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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan. The report provides an assessment of the overall situation in the country since my previous report, dated 20 October 2008 (S/2008/662), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) until 18 January 2009.

II. Security situation

2. The overall security situation in the UNMIS area of operations, while relatively stable during the reporting period, remains fragile and unpredictable in certain areas where armed clashes, banditry, tribal conflicts and rebel activity continue to be a concern.

3. On 12 December, a fire fight broke out between members of the Joint Integrated Unit and the Joint Integrated Police Unit in Abyei town, killing one and injuring nine. Thousands of civilians once more fled the area. Following the immediate intervention by the commanders of both Units, the Chief Administrator, my Special Representative and the Area Joint Military Committee, steps were taken swiftly to calm the situation. The Joint Integrated Unit redeployed to its new headquarters north of Abyei town; and the personnel of both Units were disarmed except for those on duty and UNMIS immediately commenced patrolling Abyei town with armoured personnel carriers to help restore security and prevent looting.

4. Following the refusal by the Lord's Resistance Army (LRA) leader, Joseph Kony, to sign the Juba Final Peace Agreement on 29 November, Ugandan, Congolese and Southern Sudan military forces launched a joint operation on 14 December against LRA positions in the northern Democratic Republic of the Congo, the first major offensive since the initiation of the Juba peace process in 2006. The Sudan People's Liberation Army (SPLA) subsequently deployed forces along the border to prevent a spillover of the fighting. The Government of Southern Sudan has kept open the passage to the assembly area in Ri-Kwangba should Kony decide to sign the agreement or any LRA units wish to surrender. Increased attacks on local villages in Southern Sudan by suspected LRA elements have been reported since.

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5. There have been recent allegations of substantial Justice and Equality Movement (JEM) deployments in Southern Kordofan. Local authorities stated they have not been able to confirm these reports but are nevertheless taking security precautions. UNMIS aerial patrols sent to verify the reports have detected no JEM movement in the areas. Meanwhile, SPLA has expressed concern that the Sudanese Armed Forces (SAF) are, in fact, reinforcing positions in the area using the alleged JEM presence as an excuse. The Area Joint Military Committees sent Joint Monitoring Teams to verify this redeployment of SAF but to date have found no substance in the allegations.

6. On 19 October, the Government of National Unity announced that nine Chinese oil workers had been kidnapped in Southern Kordofan, the fourth such incident involving oil workers in 2008. Four of the oil workers were killed in a rescue attempt, and four others escaped. The Government attributed the attack to JEM but the movement denied responsibility.

7. Tribal conflicts remain a significant security problem throughout Southern Sudan. In Warrab State, 16 died in clashes between Lou Areik and Apuk Padoy on 20 October. Fighting erupted again on 8 December when Dinka Lou Areik and Dinka Apuk Bol clashed in Adhaul village, killing six and wounding seven. Security in Nyirol, Urror, Akobo and Pibor counties (Jonglei State) remains unstable. On 10 November, a dispute among armed civilians in Unbill escalated into widespread fighting among clans, displacing over 7,500 households. The start of seasonal migrations has heightened the potential for inter-tribal friction, particularly in the border areas. An incident at the Comprehensive Peace Agreement celebrations on 9 January sparked violence between Dinka and Shilluk in Malakal. Ensuing violent clashes between the two tribes left 12 dead, an unknown number wounded and about 6,000 displaced.

8. Civilian disarmament remains uneven across Southern Sudan leaving many communities feeling vulnerable. Communities in Eastern Equatoria refused to disarm in the light of the LRA threat, violence in parts of Jonglei and Lakes State brought disarmament efforts to a halt while comprehensive disarmament has yet to start in Upper Nile and Western Bahr el Ghazal. While Southern Sudan governors have reiterated that disarmament will continue, however, these efforts could face growing resistance with renewed LRA incursions and tensions along the North-South border related to the migration season.

III. Political developments

9. As the parties to the Comprehensive Peace Agreement prepare to enter the final two years of the interim period, they have become increasingly aware of the challenges ahead. Both parties have emphasized the need for renewed efforts to generate a tangible peace dividend and make unity attractive. They also recognize the scope of the preparations necessary to ensure a peaceful 2011 referendum. Border demarcation, census results, elections, disarmament, demobilization and reintegration and preparations for the referendum and popular consultations remain key outstanding Comprehensive Peace Agreement issues. In addition, recent tribal tensions underline the importance of addressing land rights, migration issues and the peaceful coexistence of tribes.

10. The Sudan People's Liberation Movement (SPLM) and nine Southern political parties held a meeting in Juba from 8 to 13 November, the first South-South dialogue since 2005. The meeting adopted a number of resolutions on key issues. They reserved the right to reject the census results, indicating that if the results were questionable, Southern Sudan would insist upon maintaining the current legal assumption that it constitutes one third of the Sudan's population for purposes of implementation of the Comprehensive Peace Agreement. Participants reiterated the importance of adhering to the Comprehensive Peace Agreement elections schedule, set by the Comprehensive Peace Agreement and urged the Government of National Unity to provide the logistics and funding necessary to complete border demarcation before the general elections. They also called for the National Assembly to enact the Southern Sudan Referendum Law immediately.

11. On 16 October, the National Congress Party (NCP), SPLM, the Umma Party, the Democratic Unionist Party (DUP), and other national political parties attended the first session of the Sudan People's Forum in Khartoum, with hopes of resolving the Darfur conflict and other major national issues. The meeting reconvened in Kenana (White Nile State) the following day under the chairmanship of President Omar al-Bashir and established a 13-member presidential council and 7 subcommittees, chaired by eminent political and civil society actors.

12. The National Elections Commission was sworn in on 25 November. Both Comprehensive Peace Agreement partners have publicly announced their commitment to conduct elections before the deadline of 9 July 2009 stipulated in the Agreement, but underscored that selection of a feasible date lay within the purview of the National Elections Commission.

13. The current session of the National Assembly was adjourned with a plan to reconvene in early February to consider and adopt key pieces of national legislation. Included in the schedule for consideration will be the national security bill, the media bill, amendments to the Criminal Code, and the creation of the Human Rights Commission. The Referendum Act, a vital piece of legislation necessary for the 2011 referendums, is long overdue and will also be considered.

14. Relations between the Sudan and its neighbouring States remained relatively calm and stable. Resumption of diplomatic relations between the Sudan and Chad is a positive development with the exchange of ambassadors on 9 November 2008.

IV. Implementation of the Comprehensive Peace Agreement

Abyei

15. After a long delay, the Chief Administrator of Abyei, Arop Moyak Monytoc, the Deputy Chief Administrator, Rahama Abderahman Al-Nour, and five other members of the Abyei Area Administration formally took office on 11 November. The Administration's resources, as well as administrative and logistical support, remain extremely limited. With technical support from UNMIS, United Nations agencies and several non-governmental organizations, the Administration drafted both an emergency 2008 and a 2009 budget, approval for which is pending with the Presidency. The absence of a budget has had a detrimental impact on the operational capacity of the Administration and the release of funds needs to be accelerated urgently.

16. The return of some 50,000 civilians displaced during the May fighting has been slow, with up to 10,000 returning to the Abyei area north of the Kiir River, and about 5,000 each to Abyei town and the villages north of the river between July and December 2008. An estimated two thirds of the returned population fled once more following the incidents of 12 December. Internally displaced persons have not returned in significant numbers since. Many of the internally displaced persons who had remained in nearby Agok appear to have left for Wau, Juba and Khartoum. The rainy season, the proliferation of unexploded ordnance, delays in appointing the civil administration, and general fears about the area's security have contributed to a reluctance among the Abyei residents to return. The United Nations Children's Fund (UNICEF) is working closely with the civil administration to provide water yards and boreholes. This is anticipated to help both returns and conflict reduction along the migration routes.

17. SAF and SPLA failed to meet the deadline of 12 December, agreed by the Ceasefire Joint Monitoring Commission for the withdrawal of their remaining forces in Diffra and Agok. At the meeting of the Commission on 17 December, the parties agreed to 15 January 2009 as a new deadline. On 19 December 2008, 39 SPLA Military Police were withdrawn from Agok to the south of the Abyei Road Map area. Some 226 armed personnel of various southern Sudan security forces also withdrew with the Military Police. Of a total of 31 SAF soldiers at Diffra, 21 redeployed out of the Abyei Road Map area on 18 January 2009. The withdrawal of the remaining 10 soldiers with all administrative stores is expected within the next few days, subsequent to which the Joint Integrated Unit will deploy to the area. The oilfield police maintain a presence in Diffra.

18. There are currently 618 Joint Integrated Unit personnel deployed in Mangyang, Todach, Balom and Abyei. On 1 November, 30 Unit personnel from Balom deployed to Banjideed, 10 kilometres east, to provide security along migration routes. Following the incident of 12 December, all Units have been withdrawn from Abyei town and 257 Joint Integrated Police Unit personnel have been tasked with maintaining law and order in the town. Twenty-three Joint Integrated Police Unit personnel were deployed to Agok with UNMIS assistance and plans are under way to extend the deployment of a Joint Integrated Police Unit to six villages along migration routes. An additional 73 Government of the Sudan police will be deployed to address the current North/South imbalance in the Joint Integrated Police Unit. The Government of Germany has provided much-needed communication equipment; the United Nations Development Programme (UNDP) has provided office equipment as well as extensive training support. Continued support will be required to bring the Joint Integrated Police Unit to full operational capacity.

19. On 26 November, the UNMIS Force Commander presented to the Ceasefire Political Commission, the investigation report of the Ceasefire Joint Monitoring Commission on the May 2008 violence in Abyei. The Co-chair persons vowed to critically review the report and take the necessary steps to implement the recommendations of the Ceasefire Joint Monitoring Commission.

20. On 30 October, the presiding officer of the Permanent Court of the Arbitration Tribunal for the Abyei dispute accepted his appointment, thereby formally establishing the Tribunal. On 18 December, SPLM and NCP submitted their first written memorials to the Tribunal. Further written submissions are due on 13 and

28 February, and oral arguments are scheduled for 18 and 23 April. Given the current schedule, the Tribunal should issue a decision by the end of July 2009.

Southern Kordofan

21. In Southern Kordofan, some positive developments continued during the reporting period, including progress with the integration of the former SPLM-controlled areas into the State administration. According to local authorities, the security situation and inter-tribal relations in Southern Kordofan have steadily improved. To prevent tensions, agreements were reached on the Misseriya migration through Southern Kordofan. At the same time, however, the abundance of arms, local dissatisfaction with the lack of a peace dividend, and fluid tribal and political affiliations make this area prone to conflict. Recurrent low-scale conflicts are of concern in the light of the sizeable presence of troops of both parties in or near the state.

Redeployment of forces

22. The verified redeployment percentage of SPLA forces remains at 10.6 per cent of the 59,168 SPLA troops initially stated to be north of the current border line. While SPLA claims that there are no troops beyond those already verified, it has not proposed any amendment to its initial figures. The total redeployment of SAF has decreased to 95.3 per cent because of its inability to identify 721 soldiers it claimed were demobilized without verification.

23. In response to the SPLA refusal to encamp in assembly areas and the parties' divergent positions on the issue, the Ceasefire Political Commission, on 29 October, asked UNMIS to examine international experience regarding the relevance of assembly areas at this stage of Comprehensive Peace Agreement implementation and to guide the parties accordingly.

Joint Integrated Units

24. There has been no change in the total number of Joint Integrated Units, which stand at 84.7 per cent of their mandated strength of 39,639 troops, with SAF comprising 52.4 per cent and SPLA 47.6 per cent. The Units continue to face substantial problems with logistics, finances, chain of command and full integration. Many lack appropriate communications equipment, transportation, administrative facilities, accommodation, water, sanitation and weaponry. Thus, the aforementioned figures do not accurately reflect the Units' functional capacity. Several donors have volunteered equipment and UNMIS is working to facilitate this process. The United Kingdom of Great Britain and Northern Ireland has provided radio equipment and Egypt has provided key items such as tents, generators and mess stores. The United Kingdom and the Netherlands have both committed an equal sum of US$ 1,049,705 to the Joint Integrated Unit Trust Fund during the current financial year. However, support by the Government of National Unity is still inadequate and many donors are concerned that mobilization and deployment remain behind schedule.

25. On 19 November, the Ceasefire Political Commission and the Joint Defence Board held their first joint session, which was attended by my Special Representative. The joint meeting represents an important step forward in addressing issues related to the Joint Integrated Units, which fall within the

mandates of both bodies. Attendees agreed to defer consideration of key outstanding issues to their next joint meeting in January 2009.

National census and elections

26. The Central Bureau of Statistics in Khartoum recently indicated that it expects to present the basic census results to the Presidency in February 2009. The Comprehensive Peace Agreement foresees the use of census results in apportioning National Assembly seats and in the delimitation of constituencies.

27. The National Elections Commission, which was to be established no later than one month following the enactment of the electoral law on 14 July, was sworn in on 25 November. It will require more time to reach the operational capacity needed to complete election preparations. It will need to rapidly build up its staff and offices at the national, regional and state levels, and to develop policy and procedures on issues ranging from voter registration and the enfranchisement of internally displaced persons to the delimitation of constituencies at all levels of the complex electoral process. A sizeable voter education effort will be required to ensure voters are familiar with the changes introduced in the 2008 National Elections Act. While it is the responsibility of the parties and the Commission to determine the date of the elections, technical challenges call into question the feasibility of holding comprehensive and credible elections by the Comprehensive Peace Agreement target date of July 2009.

28. The Political Parties Affairs Council, required to effect registration of political parties, was established in late November 2008. The media and press laws and the National Security Act are under discussion at the highest political levels in order to bring them into conformity with the Bill of Rights enshrined in the Interim National Constitution of the Sudan. The Referendum Act, which remains long overdue, is also under discussion.

Wealth-sharing

29. According to the Ministry of Finance and National Economy, the Sudan earned total oil revenues of $347.79 million for November 2008, of which the Government of National Unity received $171.05 million and the Government of Southern Sudan $150.74 million. The Ministry reported that the Government had transferred a total of $2,503.27 million to the Government of Southern Sudan between January and November 2008 and that between June and November the share of Abyei area stood at approximately $39.24 million. By the end of November, arrears to the Government of Southern Sudan had increased to $286.83 million. The recent decline in global oil prices will inevitably cut sharply into the Sudan's oil revenues and, consequently, into governmental budgets, particularly in the south.

V. Implementation of other peace processes in the Sudan

30. The Joint African Union-United Nations Chief Mediator for Darfur, Djibril Yipènè Bassolé, continued extensive consultations and held meetings with the President and representatives of the Government of National Unity, movement leaders and national political parties. Security remains the prime concern of the Darfur population and continued violence over the past few months has not contributed to an environment conducive to peaceful talks. The Chief Mediator has

commenced intensive shuttle diplomacy between the parties to discuss elements of a framework agreement that would form the basis of detailed negotiations. The Mediation welcomed the various recent efforts to reach a peaceful settlement, including the Qatari Initiative and the Sudan People's Initiative.

31. The Government of National Unity and the Eastern Front have made progress in implementing the East Sudan Peace Agreement, despite continued divisions among Eastern Front leadership. The High Joint Committee held its fourth meeting in November. Eastern Front military forces have been reintegrated into SAF and the police force, and the Committee has called for the immediate release of funds required for the disarmament, demobilization and reintegration of former Eastern Front combatants. The Government has earmarked $125 million for the Eastern Sudan Reconstruction and Development Fund, in addition to $75 million allocated but not dispersed from the 2008 budget.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management and reconciliation

32. Throughout the reporting period, my Special Representative maintained constant dialogue with the Sudanese political leadership and key stakeholders in the peace process. Following the 12 December shooting incidents in Abyei, he visited Abyei immediately to hold consultations with the local leadership. Options for addressing the situation, its root causes and measures required to prevent further escalation were discussed in meetings with the commanders of the Joint Integrated Unit and the Joint Integrated Police Unit, the Abyei Administrator and representatives of SAF, SPLA and the Area Joint Military Committee.

33. In November, UNMIS facilitated the first round table of political parties in Western Equatoria State. Nine political parties participated, including SPLM and NCP, marking the first time the parties jointly discussed the electoral law, the political parties act and the role of political parties throughout the election cycle. Similar initiatives are planned in other states in early 2009.

34. UNMIS supported several local peace conferences during the reporting period. Some were related to internal boundary disputes, especially in the Equatorias, Upper Nile State, Jonglei State, Lakes State and Warrab State. Two conferences focused on migration across the 1 January 1956 border and brought together Dinka and Misseriya leaders with state and county officials. From 11 to 14 November 2008, UNMIS facilitated a Dinka Malual/Misseriya Humr reconciliation conference in Northern Bahr el Ghazal. While the participants passed no binding resolutions, they did agree that unarmed Misseriya pastoralists should have unhindered access to grazing areas and water points in the south, and this opportunity for dialogue may have laid the foundation for better relations in the future.

35. On 18 October, UNMIS delivered satellite imagery needed to produce a base map to the Technical Ad hoc Border Committee. The United Nations also provided two experts for a Government of Southern Sudan Border Committee workshop on 17 and 18 November that examined border delineation processes and international border demarcation experiences.

Military deployment and activities

36. As of 17 December 2008, 99.7 per cent (9,346 out of 9,375) of UNMIS military personnel were deployed in the Sudan, including 622 military observers, 190 staff officers and 8,534 troops. Regular operations continued throughout the reporting period, including support to the Comprehensive Peace Agreement ceasefire mechanisms and joint patrols of military observers and the parties' national monitors, although current limitations in flight hours have caused a 30 per cent reduction in aerial patrols which significantly restrict force monitoring capacity. Both sides are being encouraged to focus on a peaceful pastoral movement and prevent any escalation of local skirmishes to conflict between forces deployed along the current border line.

37. From 14 to 16 October, the UNMIS Sector Commander Conference was held in Ed Damazin. Construction projects continued, including the expansion of the UNMIS Abyei Camp and the resurfacing of the Abyei-Kadugli road. A review of protective measures at UNMIS installations is currently being carried out and efforts to enhance security are in progress.

38. UNMIS continues to implement the recommendations of the Military Capability Study and the force structure is being re-aligned to meet future challenges of the mission. A strengthened presence in Southern Kordofan and Abyei, expanding each to four and three company size sectors respectively, improved security of the El Obeid Logistics Base through the deployment of 155 troops as a quick reaction force, and extended monitoring and verification activities through the establishment of three new team sites are current priorities as is support for disarmament, demobilization and reintegration, elections and referendums.

39. Movement restrictions continue to hamper UNMIS monitoring and verification in some parts of its area of operation. Due to movement restrictions in the north and east of Sector VI (Abyei), UNMIS is unable to monitor the alleged enhancement of SAF troop strength in this area. On 13 November, SPLA troops manning a checkpoint in Blue Nile State stopped a Joint Monitoring Team and threatened to arrest the SAF national monitor.

Police

40. As of 1 December, UNMIS has deployed 84 per cent of its mandated police strength (677 Police Advisers, including 60 women) to 22 sites throughout the mission area.

41. During the reporting period, UNMIS police trained a total of 3,853 local police officers (1,076 Government of the Sudan police and 2,777 Southern Sudan Police Service), including 350 female officers, in various aspects of policing. UNMIS police also prepared 202 Southern Sudan Police Service personnel to take over basic police training. UNMIS police, Southern Sudan Police Service, UNDP and United States Government bilateral programme representatives are jointly developing a basic training curriculum for in-service personnel and new recruits.

42. The United Nations police component is also working closely with the UNMIS electoral and disarmament, demobilization and reintegration sections to support their activities by training and assisting local police.

43. The Government of the Sudan Police Director General has approved a United Nations police initiative to revive the Police Development Committee. This Committee is a forum of all stakeholders constituted to oversee all policy issues regarding reform, restructuring and training. Six community aid posts, hub centres of community policing activities in the locality, were approved for three internally displaced persons' camps in Khartoum which had so far not benefited from these services. Training of community and local police in community policing, based on the United Nations policing model, was also approved for the same camps.

Disarmament, demobilization and reintegration

44. Through its integrated disarmament, demobilization and reintegration unit, UNMIS continued to work with the parties to create momentum in the planning and implementation of the long delayed multi-year disarmament, demobilization and reintegration programme for the Sudan. In accordance with the priorities agreed upon by the parties to the Comprehensive Peace Agreement, donors and UNMIS, demobilization activities will begin first in the Three Areas. The parties have established joint disarmament, demobilization and reintegration offices in Blue Nile State and Southern Kordofan. Demobilization activities in Blue Nile State have been postponed for technical reasons and are now expected to begin in early 2009. In the course of preparations, the parties have made progress in developing joint operational procedures.

45. The donors, the Northern and Southern Disarmament, Demobilization and Reintegration Commissions, and the United Nations have made encouraging progress in building a partnership to address disarmament, demobilization and reintegration issues. Agreement has been reached on a schedule of monthly meetings of stakeholders and an agenda of funding-related issues raised by both donors and Government.

46. The reintegration caseload for the Three Areas in 2009 will require at least $85 million in voluntary funding through UNDP to establish the necessary infrastructure. Among the donors, the Government of Japan has been the first to sign, on 8 January 2009, an agreement with the United Nations to contribute $17 million towards the cost of reintegration. The UNICEF-led demobilization and reintegration of an estimated 8,000 children associated with armed forces and armed groups will require $10 million for 2009. UNMIS is assisting the parties to prepare for a senior-level disarmament, demobilization and reintegration round-table meeting with donors in February 2009, at which all stakeholders will assess the progress made in addressing donors' concerns and the amount and timing of voluntary contributions. Clarity on the latter is vital for planning, recruitment, procurement and managing the expectations of the tens of thousands of eligible ex-combatants.

Return and reintegration

47. Despite considerable progress, the return of internally displaced persons and refugees to their homes in Southern Sudan remains a challenge. In addition to logistical hurdles, local communities have limited capacity to absorb the returning population, increase available services or adjust to shifting demographics and urbanization. Local security and land distribution are among the most urgent issues, but continued efforts are also required to develop options for both rural and urban

livelihoods, expanding local services, and promoting inter- and intracommunity reconciliation.

48. Spontaneous returns, which marked the first half of November, declined towards the end of the quarter as major religious holidays discouraged extensive relocation. Moreover, while the rainy season had largely ended by the period's close, many overland routes remained impassable. In 2008, a total of 129,950 internally displaced persons and refugees returned through United Nations or other organized programmes, while a total of 325,438 returned spontaneously.

Recovery and development

49. Despite the international community's 2009 Sudan Work Plan, projected Government of Southern Sudan budget cuts and other factors have dramatically increased the need for humanitarian assistance. In addition to cuts in public salaries, the Government of Southern Sudan has shelved plans to take over the basic services currently provided by international non-governmental organizations and United Nations agencies, which currently provide more than 80 per cent of Southern Sudan's safety net, including primary health care and clean water. Increased returns expected ahead of elections and referendums, are creating additional basic services requirements across the south.

50. Recovery and governance programmes continue. The Sudan Recovery Fund began operations, channelling support to high-impact livelihood projects in all 10 southern states. The Fund plans additional support for feeder roads, agricultural storage facilities and community-level security programmes in early 2009. While the Fund has proved to be a much-needed vehicle for efficient disbursal of State-based funding, the allocated funds remain small relative to Southern Sudan's need, even when combined with funding through the Multi-donor Trust Fund.

51. According to Government of Southern Sudan figures, Southern Sudan received approximately $400 million in international assistance during 2008, a figure far below that called for in the Sudan Work Plan, which includes an appeal for $2.18 billion for the Sudan, with a net requirement of $1.56 billion given already secured funds. Of this amount, more than $1 billion is for emergency programming in Darfur alone. With the end of the interim period looming, efforts to secure the $600 million requested for Southern Sudan are being intensified.

52. In Abyei, United Nations agencies and non-governmental organizations provided critical support to the Abyei Area Administration, including life-saving assistance to those displaced by the fighting earlier in 2008, and an early recovery programme for returnees. The 2008 Abyei Strategic Action Plan is serving as the starting point for 2009 plans. Immediate challenges include unexploded ordnance; the impassability of the north-south road; limited access to rural areas; limited access to water, health care and education north of the river; a lack of Government support for returns; and the loss of homes in and around Abyei town.

Human rights

53. Some positive developments can be discerned during the reporting period. One sign of progress was the announced intention by the National Assembly to pass legislation creating a Human Rights Commission. The Government of Southern Sudan also made progress in legislative reform with the adoption of several laws

relevant to human rights. Nevertheless, the human rights situation continued to be of serious concern.

54. Incidents of arbitrary arrest by the National Security Intelligence Services continued to be a major human rights concern in the north. In addition to around 150 people brought to trial for the May 2008 JEM attack on Ombdurman, up to 100 remain detained without charge or trial and the whereabouts of hundreds of people who were reportedly arrested remain unknown. Two leading figures of opposition parties were detained after they expressed views in support of the International Criminal Court. Two human rights defenders were mistreated while in the custody of the National Security Intelligence Services, and one person was brought to trial on espionage charges, for allegedly having provided information to the International Criminal Court.

55. Despite positive indications, restrictions on freedom of expression and the media, including daily press censorship, continued unabated. On 17 November, about 74 journalists were briefly detained on the steps of the National Assembly during a peaceful protest against press censorship. At least 10,000 inhabitants of the northern Nile valley were forcibly evicted from their homes and land as water levels rose after the closure of the Merowe hydropower dam in July. Residents who remained in the area had opposed governmental relocation plans. They were not offered alternative housing in line with the agreement they had reached with the authorities, and have received neither compensation nor adequate humanitarian assistance.

56. In Southern Sudan and the Three Areas, weak administration of justice still has a negative impact on the full enjoyment of basic human rights as people are held in detention for prolonged periods of time without having access to legal assistance, including those facing the death penalty. Accountability remains a significant concern with many reported human rights violations not properly addressed by authorities at the state and regional levels. With regard to the incident of 4 June in Eastern Equatoria State, where an exchange of gunfire between civilians and SPLA led to the death of 14 civilians and 7 soldiers and the burning of parts of Logurony and Iloi villages, so far there are no indications of any action taken to investigate and prosecute those responsible for this incident. The loss of life in Southern Sudan remains a major concern as tribal disputes and clashes over resources continue to occur in spite of some local initiatives undertaken by the authorities.

Electoral assistance

57. UNMIS continues to build its electoral assistance capacity to support the Sudanese authorities in line with its mandate. Core staff is in place in Khartoum and at the regional office in Juba, as are small teams in each of the 10 states of Southern Sudan. Recruitment of a small team for El Fasher to facilitate closer coordination with the African Union-United Nations Hybrid Operation in Darfur (UNAMID) is also under way. UNMIS, UNAMID and UNDP are actively engaged in coordination mechanisms both within the United Nations system and with the international community.

58. A request for electoral assistance has not yet been received from the Government of National Unity. Once the nature and extent of the required assistance are clear, UNMIS may need to recruit and deploy staff quickly, beyond the currently authorized level of 141, in order to provide the requested support.

Rule of law

59. UNMIS continues its assessments of northern prisons. In response to requests from national authorities, UNMIS provided various trainings for prison officers, social workers and prisons service staff. Basic prison training in Western Bahr el Ghazal State for 132 ex-SPLA soldiers deployed to the prisons service is currently being planned. The Director General of Prisons approved a UNAMID request for UNMIS assistance in assessing prisons in Darfur. The assessment will commence in early 2009 and fall within the current Ministry of Interior, UNMIS and UNDP memorandum of understanding.

60. In Southern Sudan, UNMIS continued to provide monitoring and advice on legal reforms and advisory support for the drafting of key legislation, including the Southern Sudan prisons bill, the police bill and the land bill. The UNMIS rule of law and police components completed workshops for Southern Sudan Police Service personnel, prosecutors and magistrates on justice, law enforcement and customary law. In collaboration with UNDP, UNMIS is supporting the Ministry of Justice in developing a free legal aid framework. UNMIS also assisted the prison service in the development of the prisons bill and maintained an advisory presence in all 10 southern states.

Child protection

61. Of the 109 children detained following the attack on Ombdurman, 99 were pardoned and released; 4 were acquitted after trial and released; 5 remain in custody pending completion of their trials; and 1 is waiting to go through the appellate process after the delivery of a death sentence against him. UNMIS continues to urge the authorities to pardon all children remaining in custody and to bar application of the death penalty to juveniles in accordance with the Sudan's obligations under the Convention on the Rights of the Child.

62. UNMIS child protection staff were part of a delegation led by senior SPLA officers to sensitize field commanders on preventing the recruitment of children. The direct involvement of the SPLA high command is a breakthrough, as lack of cooperation from commanders holding children has been a primary obstacle for child disarmament, demobilization and reintegration in the south. The Southern Sudan Disarmament, Demobilization and Reintegration Commission is identifying, verifying and arranging for the release of children identified during the campaign; over 200 children in Northern Bahr el Ghazal, Unity and Upper Nile States have already been released. It is imperative that reintegration programmes follow immediately.

Protection of civilians

63. Approximately 5,000 Congolese refugees fled into Western Equatoria near Yambio in September and October 2008 following LRA attacks on border communities in north-eastern Democratic Republic of the Congo. Refugees reported killings, abductions and the burning of villages. Approximately 1,900 children are among the refugees, including those separated from their families during flight.

64. Inter-tribal violence linked to cattle disputes and exacerbated by the prevalence of civilian firearms, continues to present a significant threat to civilians

across Southern Sudan. Reconciliation conferences have provided some stability, but civilian security remains very fragile in a number of areas.

Public information

65. The UNMIS Public Information Office continued to promote accurate reporting on the implementation of the Comprehensive Peace Agreement by national and international media through daily interaction, briefings, statements and interviews. UNMIS Radio, Miraya FM, will double its short-wave transmission and begin transmission via regional satellite later in 2009 to improve nationwide access in the light of operational restrictions in the north and the Three Areas. In the south, the Mission is upgrading 5 of the existing 13 FM relay stations and has identified 4 additional sites for relay stations. Miraya remains one of the main reliable news and information sources in the Sudan.

Mine action

66. UNMIS mine action teams have made significant progress, and all five teams have resumed activity since the start of the operational mine-clearance season in October. To date, the mine action programme has cleared 2,170 of the 4,050 identified dangerous areas and opened 27,975 kilometres of road. During the reporting period, major accomplishments included the clearance of the Andullo minefield in Southern Kordofan and the survey and clearance of high priority routes such as El Hemer-Boram in Southern Kordofan, Marial Bai — Raga northwest of Wau and Dabio-Ezo near the border of the Democratic Republic of the Congo. In November, the Cambodian Military Demining Company destroyed over 50 tons of stockpiled ammunition in Malakal.

67. UNMIS has helped complete a draft plan for the transfer of mine-clearance responsibility to the Sudanese authorities in November and December 2008. The National Mine Action Centre, the Southern Sudan Demining Commission, UNDP, UNICEF and the United Nations Mine Action Service are scheduled to sign a memorandum of understanding by the end of January 2009 incorporating the transition plan into the Mine Action Sector Multi-Year Plan. Training in support of the transition process has begun and is progressing well.

Conduct and discipline

68. UNMIS strengthened its focus on preventing misconduct, including sexual exploitation and abuse, through training programmes, risk assessments, briefings and policy advice for managers and commanders at all levels. UNMIS conducted a successful campaign on the prevention of sexual exploitation and abuse focused on prostitution and human trafficking. More than 300 participants, including national authorities, local leaders, students, faculty, United Nations agencies and non-governmental organizations, participated at the state universities in Ed Damazin and Malakal.

69. Increased awareness of the consequences of non-compliance with the United Nations code of conduct and violations of the zero-tolerance policy on sexual exploitation and abuse helped reduce incidents of abuse. Twelve new cases of misconduct were officially recorded, of which three were for serious allegations of misconduct.

Gender

70. The Gender Unit focused its activities during the review period on support for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) and the policy directive on gender equality of the Department of Peacekeeping Operations. The Unit conducted training and capacity development activities on gender-based violence, political participation, and protection for government ministries, civil society organizations and community leaders, including sessions for female parliamentarians from the three Equatoria States. The Unit also met with the Gender Elections Task Force to discuss the elections activities mapping exercise for United Nations partners and civil society organizations involved in electoral activities. During the pilot demobilization exercise in Blue Nile State, the Unit assessed the integration of gender perspectives in the process.

HIV/AIDS

71. The HIV/AIDS Unit intensified capacity-building efforts focused on peacekeepers, Sudanese military units, police forces, prisons, religious groups and schools. The Unit trained 218 HIV/AIDS peer educators, and more than 12,000 participated in sensitization programmes. The Unit also assisted in the integration of HIV/AIDS issues into UNMIS disarmament, demobilization and reintegration programmes.

Staff security

72. The Sudanese Diplomatic Police have increased their presence in the UNMIS compound premises following a suspected hostile surveillance of its Khartoum headquarters on 26 October. Burglary and robbery of United Nations staff in Khartoum increased from one incident in the third quarter of 2008 to four incidents in the last quarter of 2008, as did traffic accidents involving staff members with road conditions deteriorating during the rainy season. The Government of Southern Sudan launched anti-crime operations in Juba in response to criminal activity targeting United Nations staff.

73. UNMIS has imposed a staff curfew in Rumbek as an additional security measure following a series of robberies of United Nations international staff, as well as staff movement restrictions in Yei due to the inter-tribal fighting.

74. Recent cases of arrest and detention and harassment of staff members were reported in Blue Nile State, Southern Kordofan and Southern Sudan.

Coordination with other peacekeeping missions

75. UNMIS continued to implement cooperation mechanisms with UNAMID at senior management and working levels. UNMIS and UNAMID safety and security leadership regularly exchange relevant information and efforts are under way to establish a formal information exchange mechanism with the United Nations Mission in the Central African Republic and Chad. The regular exchange of information between the military components of UNMIS and the United Nations Organization Mission in the Democratic Republic of the Congo continues, particularly with regard to reports of increased LRA activities in September and October 2008 and the recent joint offensive against LRA bases in the Democratic Republic of the Congo. Regional cooperation was further enhanced through the

regional United Nations inter-mission conference for military staff in Addis Ababa from 16 to 18 December 2008, headed by the Military Adviser for Peacekeeping Operations.

Financial aspects

76. The General Assembly, by its resolution 62/267, appropriated for the maintenance of UNMIS for the period from 1 July 2008 to 30 June 2009 an amount of $820.7 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2009, the cost of maintaining the Mission until 30 June 2009 would be limited to the amounts approved by the General Assembly. At 30 November 2008, unpaid assessed contributions to the Special Account for UNMIS amounted to $194 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $3,375.6 million. Reimbursement of troop-contributing Governments for troop- and contingent-owned equipment costs has been made for the period up to 30 November 2008 and 30 September 2008, respectively.

VII. Observations

77. With little over two years of the interim period remaining, the Comprehensive Peace Agreement has reached a critical juncture where any action or inaction on its provisions will have a profound impact on the future of the Sudan. While progress in its implementation needs to be recognized, daunting challenges still lie ahead. Key benchmarks, including census results, elections, border demarcation, disarmament, demobilization and reintegration and preparations for referendums and popular consultations, now need to be achieved within a tight time frame with very little flexibility for further delays.

78. As critical and politically complex milestones are approaching, the parties' strong political will, determination and decisive action will be required to consolidate achievements made since 2005, complete the interim period securely and prepare for a peaceful referendum as well as post-referendum stability. However, despite overcoming differences, the parties' relationship remains fragile and continues to be affected by uncertainties about the future of the Sudan, in particular the 2011 referendum. I encourage the parties to use previous successes as building blocks for greater trust and confidence at a time where close cooperation and joint progress will be decisive.

79. Southern Sudanese self-determination is a complex issue with profound implications for security and stability in the Sudan and in the region. I call upon the parties to begin serious preparations for referendums and popular consultations and their possible results as soon as possible and welcome their request for the close involvement of my Special Representative in supporting these endeavours. I also urge the parties to immediately commence dialogue about wealth-sharing in the post 2011 period.

80. The parties to the Comprehensive Peace Agreement are yet to present a convincing case for unity to the people of Southern Sudan. I call upon the parties to use the remaining two years to explore all options available to make unity attractive as stipulated in the Comprehensive Peace Agreement. This will have to include the generation of a visible peace dividend which, as of now, falls short in many areas.

The population, particularly in the south and in the border areas, urgently needs to see tangible benefits from the peace and stability created by the Comprehensive Peace Agreement, including the provision of basic public services. The United Nations stands ready to assist the parties in this endeavour. Increased local dissatisfaction inevitably bears dangers of instability.

81. Insecurity continues to plague parts of the country where banditry, tribal clashes and militia activities remain a grave concern. The abundance of small arms, local dissatisfaction, a lack of economic prospects and the presence of spoilers can form a dangerous constellation. Tribal conflicts bear the inherent danger of escalation and land rights, migration issues and peaceful tribal coexistence need to be addressed urgently. Providing security throughout the Sudan is a complex undertaking requiring concerted efforts at national and regional/local levels. It is at the same time the key precondition for the well-being of the people and economic development.

82. The Joint Integrated Units, a key pillar of the security architecture of the Sudan and an important symbol of national unity, are still facing many political, logistical and operational hurdles and are not fully functioning as intended in the Comprehensive Peace Agreement. I welcome the joint Ceasefire Political Commission and the Joint Defence Board efforts to address the outstanding issues. The 12 December incidents in Abyei once again highlighted the fragility of the Joint Integrated Units — and also the Joint Integrated Police Units — and the need for quick improvements. I call upon the parties to renew their commitment to the success of the Joint Integrated Units and encourage donors to consider further options for immediate support.

83. I welcome the progress made in the implementation of the Abyei Road Map Agreement. I call upon the Abyei Area Administration to assume its full responsibilities and demonstrate leadership in addressing the difficult issues they face and on the parties to the Comprehensive Peace Agreement to provide all necessary financial and political support. I commend the parties, the Abyei Chief Administrator and the Joint Integrated Unit and Joint Integrated Police Unit commanders in Abyei for their swift response to the violence of 12 December. At the same time, I am concerned about the renewed flare-up of violent clashes — for the second time in eight months — which stress the volatility of the situation and the need for preventive action. In this regard, I urge the Government of the Sudan to remove all restrictions on the freedom of movement of UNMIS throughout the Three Areas in order to restore the Mission's situational awareness and hence its ability to defuse future conflicts.

84. Momentum in the disarmament, demobilization and reintegration programme needs to be maintained. An early start of demobilization activities in the Three Areas will do much to build confidence and show tangible progress in implementation of the Comprehensive Peace Agreement. At the same time, it is important that the parties commence discussions on the proportional downsizing of forces on both sides in accordance with its timetable and address donors' concerns. The international donor community, for its part, can make a significant contribution by making early and generous commitments to the disarmament, demobilization and reintegration programme and I am grateful for the leadership shown by Japan in this regard. Progress in disarmament, demobilization and reintegration will be critical to

bringing about a conducive environment for the peaceful implementation of any outstanding benchmarks of the Comprehensive Peace Agreement.

85. I commend the parties for establishing a credible National Elections Commission which, given the number of challenges it faces, should begin its work as quickly as possible. The release of the census results will be another key step towards elections and I encourage both parties to avoid any further delays in the electoral process. I welcome the parties' resolve to ensure adoption of the relevant legal framework. I intend to send a needs assessment mission to the Sudan soon to discuss the details of UNMIS electoral support with the Government of National Unity, the Government of Southern Sudan, and the National Elections Commission.

86. I urge the parties to expedite the demarcation of the North-South border. The Ad Hoc Technical Border Committee has delayed the release of its report. These delays will inevitably affect election preparations and implementation of other key benchmarks of the Comprehensive Peace Agreement.

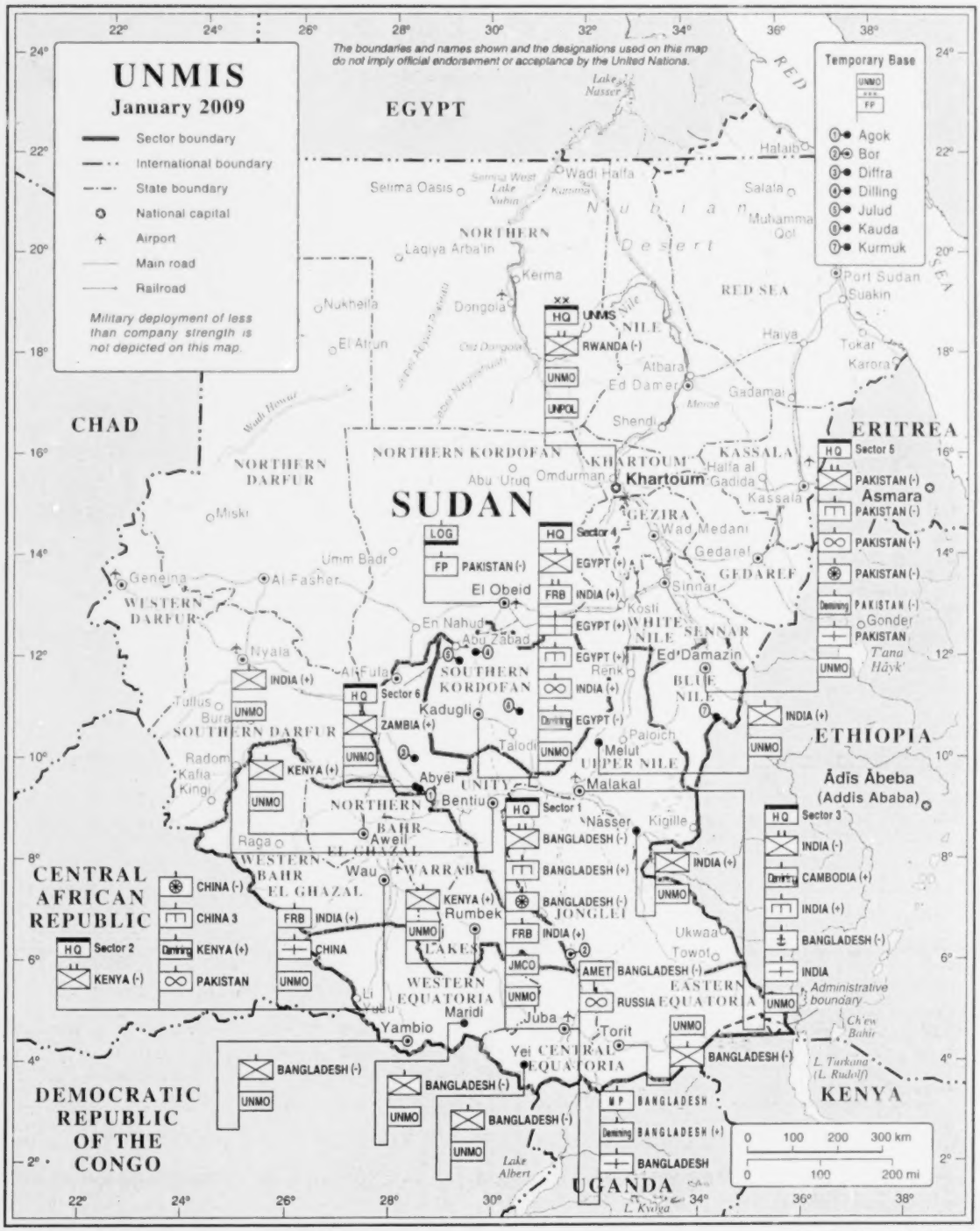
87. The Comprehensive Peace Agreement is closely linked to other peace processes in the region. Lack of progress in Darfur does not create an environment conducive for its implementation. The ongoing crisis complicates the Sudan's political and military dynamics, taxing the parties' capacity to adapt to the changes required by the Comprehensive Peace Agreement. Possibilities of military spillover, particularly into Southern Kordofan, are of grave concern. Other cross-cutting issues, including the census and elections, demand coordinated efforts by all parties, and the pursuit of a strategic approach to the Sudan as a whole. Increased insecurity in Southern Sudan related to the faltering LRA peace process is a further concern.

88. In anticipation of a possible action by the International Criminal Court against President al-Bashir, the National Assembly has taken steps to amend the criminal code so as to allow prosecution of crimes within the Court's jurisdiction in national courts. On 12 October, the Minister of Justice announced the detention of the indicted militia commander Ali Kushayb but there has been no independent confirmation on the subject. High-level Government officials continue to reiterate their refusal to recognize the Court's jurisdiction in the Sudan or to extradite any Sudanese national to The Hague. Meanwhile, SPLM and nine Southern political parties have urged the National Congress Party to engage with the International Criminal Court and avoid a confrontational approach.

89. The International Criminal Court's actions have a major impact on Sudanese political dynamics and have diverted much attention at a time when outstanding issues related to the Comprehensive Peace Agreement require the parties' cooperation and renewed commitment. While I am encouraged by the assurances of continued support by the Government, I am also concerned about remarks by some of its officials that the Government may redefine its relationship with UNMIS should an arrest warrant be issued against President al-Bashir. I call upon the Government to fulfil its obligations to ensure the safety of United Nations staff and of nationals of States Members of the United Nations in the Sudan. I also expect both parties to remain fully committed to all aspects of the Comprehensive Peace Agreement and the relevant Security Council resolutions, including cooperation with UNMIS. At the same time, depending on the security and political environment, I reiterate the United Nations continued full commitment to the implementation of its mandate and provision of support to the Comprehensive Peace Agreement and peace in the Sudan.

90. Independent of any other developments in the international or national realm, the Comprehensive Peace Agreement remains fundamental to the interest of both parties and to the people of the Sudan. The parties will be judged by the population of the Sudan for what peace has delivered. I trust that progress within the next two years will reflect these basic parameters and I reiterate that there is no time to waste. I also urge the international community and donors in particular to provide the required support to the Sudan at this critical juncture.

91. In conclusion, I wish to thank my Special Representative, all United Nations staff and the international community for their steady support to the parties in the implementation of the Comprehensive Peace Agreement.


UNMIS
January 2009
Sector boundary
International boundary
State boundary
National capital
Airport
Main road
Railroad
Military deployment of less than company strength is not depicted on this map.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Temporary Base
UNMO
FP
1 Agok
2 Bor
3 Diffra
4 Dilling
5 Julud
6 Kauda
7 Kurmuk
EGYPT
SUDAN
CHAD
ERITREA
ETHIOPIA
KENYA
UGANDA
CENTRAL AFRICAN REPUBLIC
DEMOCRATIC REPUBLIC OF THE CONGO
Khartoum
Asmara
Ådis Åbeba (Addis Ababa)
Juba
Malakal
Wau
Abyei
El Obeid
Ed Damazin
Kadugli
Yambio
Maridi
Torit
Yei
Bentiu
Aweil
Raga
Nyala
Al Fasher
Geneina
Kassala
Gedaref
Sinnar
Gonder
Port Sudan
Suakin
Halaib
Atbara
Ed Damer
Shendi
Dongola
Kerma
Wadi Halfa
Selima Oasis
Salala
Nukheila
El Atrun
Ladiya Arba'in
Miski
Umm Badr
En Nahud
Abu Zabad
Talodi
Melut
Renk
Paloich
Nasser
Kigille
Ukwaa
Towot
Rumbek
Li Rangu
Tullus
Burra
Radom
Kafia Kingi
Lake Nasser
Lake Nubia
Sarra West
Kumma
Nubian Desert
RED SEA
NILE
Wadi Howar
Wadi Milk
Old Dongola
Merowe
Haiya
Tokar
Karora
Halfa al Gadida
Abu Uruq
Omdurman
Wad Medani
Jebel Marra
Meiga
Tana Hâyk'
Lake Albert
L. Kwoga
L. Turkana (L. Rudolf)
Administrative boundary
0 100 200 300 km
0 100 200 mi
NORTHERN DARFUR
WESTERN DARFUR
SOUTHERN DARFUR
NORTHERN KORDOFAN
SOUTHERN KORDOFAN
KHARTOUM
GEZIRA
KASSALA
GEDAREF
WHITE NILE
BLUE NILE
SENNAR
UPPER NILE
UNITY
JONGLEI
LAKES
WARRAB
NORTHERN BAHR EL GHAZAL
WESTERN BAHR EL GHAZAL
WESTERN EQUATORIA
CENTRAL EQUATORIA
EASTERN EQUATORIA
UNMIS
RWANDA (-)
UNMO
UNPOL
PAKISTAN (-)
PAKISTAN (+)
PAKISTAN
EGYPT (+)
EGYPT (-)
INDIA (+)
INDIA (-)
INDIA
ZAMBIA (+)
KENYA (+)
KENYA (-)
CHINA (-)
CHINA 3
CHINA
FRB
JMCO
AMET
RUSSIA
BANGLADESH (-)
BANGLADESH (+)
BANGLADESH
CAMBODIA (+)
LOG
FP
HQ
Sector 1
Sector 2
Sector 3
Sector 4
Sector 5
Sector 6
UNMIS
Map No. 4249 Rev. 11 UNITED NATIONS
January 2009
Department of Field Support
Cartographic Section

United Nations S/2009/62

Security Council

Distr.: General
30 January 2009
English
Original: French

Letter dated 30 January 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), I have the honour to refer to paragraph 9 of Security Council resolution 1810 (2008) and to inform you that the Committee is continuing consideration of its annual programme of work and will report to the Council by 20 February 2009.

I would appreciate it if you would bring this letter to the attention of the members of the Security Council and have it circulated as a document of the Council.

(*Signed*) Neven **Jurica**
Acting Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

09-22513 (E) 030209 040209

United Nations S/2009/63

Security Council

Distr.: General
30 January 2009
English
Original: French

Letter dated 30 January 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), and in accordance with the request made by the Council in paragraph 8 of its resolution 1810 (2008), I have the honour to inform you that the Committee has begun to consider the possibility of conducting a comprehensive review of the status of implementation of resolution 1540 (2004).

In that connection, I would also like to inform you that on 30 January 2009, the Committee took the following decision:

> "The Committee agrees to establish a Working Group to consider the modalities of a comprehensive review of the status of implementation of resolution 1540 (2004), in accordance with paragraph 8 of Security Council resolution 1810 (2008). The delegation of Mexico, in its capacity as Vice-Chairman of the Committee, shall serve as Coordinator of the Working Group. The Working Group shall report to the Committee on the results of its consideration no later than 28 February 2009."

I would appreciate it if you would bring this letter to the attention of the members of the Security Council and have it circulated as a document of the Council.

(*Signed*) Neven **Jurica**
Acting Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

09-22525 (E) 030209 040209

United Nations S/2009/64

Security Council

Distr.: General
2 February 2009

Original: English

Letter dated 29 January 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith the attached letter from Mr. Jean Ping, Chairperson of the Commission of the African Union, dated 26 January 2009, and the attachment entitled "Progress report by the Government of National Unity of the Republic of the Sudan to the Commission of the African Union for the period October 2008 to January 2009".

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Joyce C. **Kafanabo**
Chargé d'affaires a.i.
Permanent Mission of the United Republic of Tanzania
to the United Nations Representative of the current
Chairman of the African Union

09-22531 (E) 030209 050209

Annex to the letter dated 29 January 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

[Original: French]

26 January 2009

I have the honour to refer to the common efforts of the African Union and the United Nations with regard to the situation in the Sudan and, pursuant to the decision taken at the ministerial meeting of the Peace and Security Council held at Addis Ababa on 21 July 2008, to transmit herewith the second interim report submitted to the African Union by the Government of the Sudan, covering the period October 2008 to January 2009. I should be grateful if the present letter and its annex could be circulated as a document of the United Nations Security Council.

As noted in our exchanges of views, the year 2009 could in many regards have a lasting impact on the evolution of the Sudan, in terms of the nature and scope of the potential outcomes of the peace and democratization processes taking place in that country. In that spirit, the African Union calls on the United Nations Security Council to invest greater authority in our joint actions, so as to create the conditions for the success of those processes.

(*Signed*) Jean **Ping**

Enclosure

Progress report by the Government of National Unity of the Republic of the Sudan to the African Union Commission

For the period October 2008 to January 2009

(In compliance with the African Union Peace and Security Council communiqué of its 142nd meeting of 21 July 2008)

1. The political process in general

1.1 A delegation of the steering committee of the Arab initiative for solution of the Darfur issue visited the Sudan in October 2008. During the visit the members of the delegation proposed to Sudanese officials a plan for solving the Darfur issue. The plan reaffirmed the principles of justice, the integrity of Sudanese territories and the supremacy of the interest of its people.

1.2 The Government of National Unity has lauded the outcomes of the last meeting of the ministerial committee held in Doha on 14 January 2009.

2. Sudan People's Initiative

2.1 As declared by H.E. President Omar Hassan Al-Bashir to revitalize the Darfur peace process, the Sudan People's Initiative is now under way.

2.2 The Initiative was launched in Khartoum in the presence of a number of high-level dignitaries from Egypt, Eritrea and Qatar; in addition to the Secretary General of the League of Arab States and representatives from the African Union and the Organization of the Islamic Conference (OIC), as well as the United Nations-African Union Joint Mediator, Mr. Djibril Bassolé.

2.3 Members of the diplomatic community in Khartoum including the United Nations, UNMIS and UNAMID also attended the occasion.

2.4 The participants included representatives from all walks of life and political dispensation, including all the Sudanese political parties, representatives of civil society including women, a number of distinguished academics and public figures as well as representatives of all the internally displaced person camps in Darfur.

2.5 The participants decided to form the following seven committees:

Solutions and Recommendations Committee headed by H.E. Vice President Ali Osman Mohamed Taha.

Committee for Justice, Peace, Reconciliation and Social Cohesion, headed by H.E. Mini Arko Minawi, Senior Assistant to the President.

Committee for Development and Services, headed by Mr. Pagan Amom, Secretary General of SPLM.

Committee for the Consideration of Eternal Factors, headed by Dr. Abdelnabi Ali Ahmed, Secretary General of the National Umma Party.

Committee on Security issues, headed by Major General (Retired) Osman Abdallah.

Committee for the Internally Displaced Persons Voluntary Repatriation, headed by Professor Abdallah Ahmed Abdallah.

Media Committee, headed by H.E. Dr. Jalal Yousif Al-Digair, Minister of Industry.

The aforementioned committees have already finalized their work and submitted their reports and issued their recommendations, which have been approved by the political leadership of the country.

The recommendations include a call for cessation of hostilities in all forms and the declaration of a monitored ceasefire. The purpose of the Initiative is to explore the opinions of the Sudanese people on best options for the solution of the Darfur problem, notwithstanding that the Initiative's outcome will be reflected during the anticipated peace talks within the framework of the Arab-African Initiative headed by Qatar, the African Union and the Arab League, with the participation of the United Nations-African Union Joint Mediator and a number of Arab and African countries.

3. Implementation of the Darfur Peace Agreement

3.1 An agreement has been reached between the Vice President of the Republic of the Sudan, Ali Osman Taha, and the Senior Assistant to the President, Mini Arko Minawi, in September 2008. The agreement included a matrix, which is considered to be an agreed road map for the implementation of the Darfur Peace Agreement.

4. Implementation of the Comprehensive Peace Agreement

4.1 On power sharing, a number of acts have been ratified by the Council of Ministers and others by the National Assembly (Parliament). These Acts are:

Political Parties Act.

The Council for Development and Promotion of National Languages Act.

Land Commission Act.

Human Rights Commission Act.

Amendment of Criminal Procedures Act.

4.2 The National Assembly adopted the list of the candidates of the Presidency for the membership of the Council for Political Parties Affairs and the National Electoral Commission.

4.3 The two parties (National Congress Party and SPLM) work through a joint committee to present a unified draft of the Referendum Act to be submitted to the National Commission for Constitutional Review.

5. Deployment of UNAMID

5.1 The Government of National Unity has agreed with the United Nations and the African Union on the establishment of a tripartite mechanism to ensure more coordination between the three parties in facilitating the deployment of UNAMID. This mechanism has held three meetings so far.

Directives have been issued to the Ministry of Defence and the Civil Aviation Authority to take the necessary action to ensure that all aircraft flying in Darfur airspace are distinct from the white colour of UNAMID aircraft. According to these directives all aircraft not abiding by the colour code shall not be permitted to operate in Darfur after 25 October 2008.

A liaison office led by a Major General has been established in El-Fasher and the three sectors to ensure that decisions taken at the national level are implemented locally.

Directives have been issued to competent authorities to ensure that the three main Darfur airports are operational from 7 a.m. to 7 p.m.

Sudanese civil aviation technicians convene regular meetings with UNAMID technicians to follow up implementation of the upgrading plan for Darfur airports submitted by the Sudanese side.

The Sudanese side has prepared the rehabilitation plan for the railway and nominated its representative in the joint working group on this issue with UNAMID.

The Government of National Unity has addressed both ICAO and UNAMID, inviting them to participate in the investigation of the helicopter crash of 29 September 2008, which was operated by a UNAMID contractor.

Instructions were issued to ensure that Customs inspection is carried out at one entry point only.

5.2 Most air operations issues have been included in a memorandum of understanding between the Government of the Sudan and UNAMID. The two parties signed this memorandum of understanding during the 3rd meeting of the Tripartite Committee held in Addis Ababa on 19 January 2009.

5.3 The Government of National Unity has authorized UNAMID to fly the IL-76 aircraft three times a week into the new airport of El-Geneina.

5.4 UNAMID is already authorized to conduct air operations from sunrise to sunset in the three main airports of Darfur.

5.5 In the context of a potentially degrading security situation, the Government of National Unity has strongly reiterated its assurances and commitment to protect UNAMID, United Nations and other affiliated humanitarian personnel.

5.6 Responding to an earlier request from UNAMID, the Government of National Unity has agreed to provide police forces to protect the UNAMID camps in Nyala and El-Geneina, similar to the measure applied in El-Fasher.

5.7 It is obvious that the Government of National Unity has fulfilled its part with regard to the deployment of UNAMID. However, some commitments await fulfilment on the part of the international community, especially in relation to the financial aspects, the logistical requirements of the operation, and the heavy support package.

6. Humanitarian situation

6.1 The March 2007 joint communiqué signed by the Government of National Unity and the United Nations covered a number of areas where the

Government of National Unity agreed to facilitate approval in a speedy manner, by committing itself to a time frame. These were related to providing entry visas, work permits, travel notifications, customs exemption and speedy recruitment procedures for national staff, etc.

6.2 As per the joint communiqué, a high-level committee has been established to oversee the implementation of the various provisions related to the joint communiqué.

6.3 Realizing the difficulties experienced by humanitarian organizations, particularly international non-governmental organizations in following a number of bureaucratic procedures, the Government of National Unity established the Joint Procedure Centre in 2006. The objective was to expedite procedures by bringing together, under one roof, various departments and ministries (about 18 of them) that deal with various aspects of NGO work in the Sudan.

6.4 In line with the spirit of cooperation and partnership, the Joint Procedure Centre established a tripartite joint technical committee in November 2006, comprising representatives of the Government of National Unity, the United Nations and international non-governmental organizations.

6.5 A general directory of procedures has been published containing all procedures related to the facilitation of NGO humanitarian work in the Sudan with specific provisions on Darfur.

6.6 The Minister for Humanitarian Affairs issued a decision to extend the joint communiqué for a period of one year.

7. Human rights

7.1 Establishment of the Joint Forum on Human Rights in Darfur between the Government of National Unity and UNAMID in November 2008.

7.2 Establishment of Juvenile Courts in all Sudanese States.

8. The Sudan-Chad relations

8.1 The 5th meeting of the Foreign Ministers contact group on normalization of Sudanese-Chadian relations was held in Asmara, on 10 September 2008. The meeting discussed resumption of diplomatic relations between the two countries. According to the final communiqué issued at the end of the meeting, the Government of National Unity reaffirmed its readiness to resume diplomatic relations with Chad, which accepted the restoration of bilateral relations with the Sudan. The two countries further agreed to exchange ambassadors before the 6th meeting of the contact group, to be held in N'Djamena. Also Libya and the Republic of the Congo are charged to coordinate the exchange of ambassadors between the two countries. The meeting agreed to take the minutes of the experts on defence, security and intelligence as guidelines for the provision of budget and logistics and the organization of command centres for the observer force to be deployed along the Chadian-Sudanese borders.

8.2 As a result of the continued and constructive efforts, diplomatic relations between the two countries have been resumed.

9. Combating impunity

9.1 The Prosecutor General for Darfur crimes together with members of the Investigation Committee conducted five visits to Darfur during which they listened to witnesses and continued investigations on incidents in Western Darfur.

United Nations A/ES-10/445–S/2009/65

General Assembly
Security Council

Distr.: General
3 February 2009

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 2 February 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and President of the Security Council

The situation in the Occupied Palestinian Territory, including East Jerusalem, remains extremely critical as Israel, the occupying Power, persists with its violations of international law, including humanitarian and human rights law, causing the continued deterioration of the situation in all aspects, including the continued suffering of the Palestinian people under its occupation, and further deepening despair and inflaming heightened tensions.

The situation is particularly acute in the Gaza Strip, where the Palestinian civilian population is struggling to cope with the humanitarian disaster inflicted upon them by the 22-day Israeli military onslaught and the more than 19-month Israeli siege of the Gaza Strip. In this regard, despite the fragile ceasefire in place — which actually continues to be violated by Israeli air strikes and threats of yet another military invasion — the massive devastation, destruction and havoc wreaked by Israel have made the task of recovery a gruelling, painful and heartbreaking experience.

As you are aware, more than 1,300 Palestinians were brutally killed and at least 5,500 Palestinians were wounded by the Israeli occupying forces in the recent military aggression. Using all means of military weaponry, the occupying Power deliberately unleashed excessive, indiscriminate and disproportionate force against the defenceless civilian population in the Gaza Strip. The killings and injuries committed by Israel were clearly committed in grave breach of international humanitarian law, which forbids, inter alia, wilful killing and wilfully causing great suffering or serious injury to body or health of protected persons. For days after the ceasefire, rescue workers continued to pull dead civilians from the rubble of demolished homes, including the bodies of many children. In this regard, it is both shocking and tragic that more than one third of those Palestinians killed and injured by the occupying Power were children and that hundreds of women were also killed or injured.

09-22659 (E) 050209

In addition to the civilian causalities caused, wanton destruction of Palestinian property was deliberately caused by the occupying forces in the Gaza Strip in grave breach of international humanitarian law. As reported by the Office for the Coordination of Humanitarian Affairs, at least 21,000 Palestinian homes or shelters were destroyed or severely damaged by the Israeli occupying forces. In some places, such as in the Jabaliya refugee camp, entire residential areas have been systematically bulldozed to the ground by the occupying Power.

Widespread destruction and damage was also caused to vital infrastructure, including to sanitation, water and electrical networks and infrastructure and to several hospitals and schools, as well as to numerous public institutions and mosques, thousands of businesses, and agricultural lands. Of course, it must also be recalled that, as we are all aware, the occupying Power's rampage in the Gaza Strip did not leave the United Nations facilities there unharmed, as several UNRWA schools and the main United Nations compound also came under Israeli attack, which gravely damaged United Nations facilities and caused an immense loss of materials stored at the main compound, including food and medical supplies.

The extent of human suffering and destruction wrought by the occupying Power is vast. Entire families and communities have been devastated. In addition to the killing and injuring of thousands of civilians, at least 50,000 people have also been displaced and made homeless by this deadly military campaign. Trauma and suffering are widespread and deep, affecting every single family in Gaza, all of whom have already suffered inordinately under Israel's inhumane blockade, which continues to be imposed in collective punishment of the entire Palestinian civilian population and which has caused unprecedented levels of poverty, unemployment, hunger and disease. In this regard, we stress the imperative of the immediate, sustained opening of the Gaza Strip border crossings for the free movement of persons and goods, including desperately needed humanitarian assistance that countries and organizations from all around the world are attempting to deliver to the Palestinian people, as well as commercial flows to allow for the necessary reconstruction and economic recovery.

These actions by Israel, the occupying Power, have not only caused a grave humanitarian crisis in the Gaza Strip but, as we have reiterated on numerous occasions, also constitute war crimes. All of the crimes committed by the occupying Power must be thoroughly investigated and the perpetrators must be held fully accountable and brought to justice. In this regard, we stress our conviction that only accountability will bring an end to Israel's impunity and flagrant disregard for its obligations under international law, and we reaffirm the intention to continue vigorously calling for and pursuing accountability until the perpetrators of these crimes against the Palestinian people are punished and justice is served.

At the same time, I must draw your attention to the fact that Israel also continues to commit other grave breaches of international law, in particular the Fourth Geneva Convention, in the rest of the Occupied Palestinian Territory, ensuring the continued destabilization of the situation and the fuelling of tensions and frustrations. In breach of the law, in violation of United Nations resolutions, in disrespect of the Road Map obligation to freeze settlement activities, including "natural growth", and to dismantle "settlement outposts" and in total disregard of the repeated calls from all around the international community, the occupying Power continues to illegally construct and expand its settlements and also to illegally

construct the Wall throughout the West Bank, particularly in and around Occupied East Jerusalem.

Just a few days ago the Israeli Government announced the decision to construct another 3,500 settlement units in East Jerusalem. Moreover, a recent report by an Israeli organization (Volunteers for Human Rights — Yesh Din) reaffirms the fact that such settlement construction continues to be carried out on private Palestinian lands confiscated from their rightful owners with the full knowledge and approval of the Government. It has become glaringly clear that Israel's direct and deliberate intention in pursuing this illegal colonization campaign is to alter the demographic composition, character and status of the Occupied Palestinian Territory for the ultimate aim of de facto annexing even more Palestinian land.

In this connection, Israel also continues to pursue illegal excavations in and around Occupied East Jerusalem, in violation of international law, threatening the sanctity of holy sites, as well as their status as heritage sites according to the United Nations Educational, Scientific and Cultural Organization, and also threatening the safety and viability of homes and institutions in the area. An incident that occurred yesterday in the neighbourhood of Silwan at the elementary school for girls, which is run by UNRWA, is an illustration of the many dangers of this illegal activity. At least 17 Palestinian girls were injured at the school when the floor of their classroom collapsed under their desks, throwing them at least two metres downward. This collapse was attributed to ongoing Israeli excavation and tunnel-digging activities near and beneath the compound of Al-Aqsa Mosque, which is located just 100 metres from the school.

We reiterate the illegality of all Israeli colonization activities in the Occupied Palestinian Territory and call for their immediate and full cessation by the occupying Power. Such illegal activities are not only dissecting the West Bank into several isolated cantons and almost completely severing East Jerusalem from the rest of the Palestinian Territory, but are also totally undermining the Territory's contiguity, unity and integrity. As a result, the prospect for achieving the two-State solution for peace also continues to be undermined and seriously endangered with each passing day of this continuing, illegal and destructive Israeli policy and campaign.

The international community has clear obligations in this regard. The obligation to respect and to ensure respect for international humanitarian law in all circumstances is unequivocal. The situation in the Occupied Palestinian Territory must not be the exception. No effort should be spared by the international community, including the Security Council, to address this precarious situation in accordance with international law. Israel, the occupying Power, must be compelled to cease all of its grave breaches and violations against the Palestinian people and abide by its obligations under international law, including humanitarian and human rights law. Only such respect for international law will bring about the conditions and environment required for the genuine pursuit of peace.

The present letter is in follow-up to our previous 332 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 14 January 2009 (A/ES-10/442-S/2009/40), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the

Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice. (As all the victims have not yet been identified, their names will be included in an annex to a future letter.)

I should be grateful of you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

United Nations S/2009/66

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Report of the Secretary-General on children and armed conflict in the Central African Republic

Summary

The present report is prepared pursuant to Security Council resolution 1612 (2005) and is presented to the Council and its Working Group on Children and Armed Conflict as the first country report on the situation of children and armed conflict in the Central African Republic. It covers the period from January 2007 to November 2008.

The report focuses on grave violations perpetrated against children in the Central African Republic and identifies parties to the conflict, both State and non-State actors, who commit grave abuses against children. In particular, the report highlights the fact that children have been consistently recruited and used by non-State armed groups, including Government-backed self-defence militias. The report shows worrisome trends of rapes and other grave sexual violence perpetrated by all parties to the conflict throughout the territory. The report also notes the systematic and widespread use of abductions, especially in the north-west, by non-State armed groups and armed bandits as a means of recruiting children and to threaten and extort ransom from the population.

The report also emphasizes the security vacuum in the Central African Republic and the lack of governmental capacities to protect the population. The recent deadlock in the peace negotiations, the withdrawal of some parties to the conflict from the political dialogue and the volatility of the security environment, especially with armed conflict resuming in October and November 2008, create an environment in which violations against children are committed in a climate of impunity. The state of extreme poverty and deprivation of the population, as well as the spillover from conflicts in neighbouring Chad and the Sudan, aggravate the already alarming situation in the Central African Republic.

The report acknowledges the significant challenges in addressing grave violations against children in the Central African Republic and outlines a series of recommendations to put an end to these violations.

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I. Introduction

1. The present report has been prepared on the basis of the inclusion of the Central African Republic in the workplan of the Working Group of the Security Council on Children and Armed Conflict, in December 2007, following the listing of parties recruiting and using children in the Central African Republic, in the annexes of my seventh report on children and armed conflict (S/2007/757). The parties listed in my seventh report are: Armée populaire pour la restauration de la République et de la démocratie (APRD); Union des forces démocratiques pour le rassemblement (UFDR); and Forces démocratiques populaires de Centrafrique (FDPC). The establishment of a mechanism in the Central African Republic to monitor and report grave violations against children is currently ongoing under the framework of Security Council resolution 1612 (2005). In this regard, a task force to implement the monitoring and reporting mechanism has been created under the leadership of the United Nations.

II. Overview of the political, military and security situation

A. Background and recent developments

2. Since its independence in 1958, the Central African Republic has experienced intermittent but serious political, social and institutional challenges. The current President, François Bozizé, attained power in 2003 following a protracted rebellion, and was democratically elected in 2005. However, like that of his predecessor Ange-Félix Patassé, his tenure has been marked by a state of permanent rebellion that has had dire humanitarian consequences. In addition to violations committed by rebel groups, the national armed forces, particularly the Presidential Guard, have also been responsible for widespread human rights abuses, including extrajudicial executions. This has provoked massive displacement of the population. Thousands of people have fled to forest hideouts where they lack even the most basic means for survival. Several rebel groups are active throughout the territory of the Central African Republic, with a high concentration of such forces in the northern regions.

3. The Government of the Central African Republic signed the Sirte Peace Agreement on 2 February 2007 with FDPC, the Birao Peace Agreement in April 2007 with UFDR, and a Ceasefire and Peace Agreement on 9 May 2008 with APRD. A Comprehensive Peace Agreement was signed with both APRD and UFDR on 21 June 2008 in Libreville, under the aegis of President Bongo of Gabon. FDPC did not have any representative in Libreville but recognizes the validity of the agreement. The Mouvement des libérateurs centrafricains pour la justice (MLCJ) also signed the Comprehensive Peace Agreement on 7 December 2008. The document remains open to signature by all other armed groups.

4. The emphasis of the political process throughout 2008 was on the organization of an inclusive political dialogue to foster national reconciliation and put an end to the cycle of politico-military instability that has affected the country for the past decade. The long-anticipated Inclusive Political Dialogue opened in Bangui on 8 December 2008. In preparation for the process, an inclusive Dialogue Preparatory Committee was established on 30 November 2007 and it submitted its conclusions to President Bozizé on 25 April 2008. It recommended, inter alia, the signing of a

peace agreement between the Government of the Central African Republic and APRD, the signing of a comprehensive peace agreement between the Government of the Central African Republic and all politico-military groups, and the adoption of appropriate legislative and judicial measures to foster inclusivity.

5. Early in August 2008 the consultations on the Inclusive Political Dialogue stalled over the issue of amnesty, with UFDR and APRD suspending their participation. The impasse was overcome after extensive consultations led by my Special Representative in the Central African Republic, which culminated in Libreville on 15 September 2008, with a Follow-up Committee of the Libreville Comprehensive Peace Agreement. During the meeting, the APRD President, Jean-Jacques Demafouth, announced the return of the movement into the peace process.

6. A consolidated Amnesty Law was promulgated by President Bozizé on 13 October 2008. It covers violations committed by Government security and defence forces and rebels from March 2003 to October 2008. It also provides amnesty to former President Felix Patassé, APRD President Jean-Jacques Demafouth, and FDPC leader Martin Koumtamadji (alias Abdoulaye Miskine), and to all members of their respective forces for the embezzlement of public funds and assassinations, among other offences. However, eligibility for amnesty carries a number of preconditions, including the cantonment, demobilization and disarmament of fighting forces within 60 days of the promulgation of the Amnesty Law. Considering this short time frame, which was especially challenged by APRD, an incremental approach was adopted early in November 2008, with anticipated demobilization activities to begin early in 2009. On 25 October 2008, the Government of the Central African Republic released from detention 12 fighters from APRD, UFDR and FDPC, in fulfilment of its own obligations under the agreement.

7. It should also be noted that the preparations for the inclusive political dialogue took place against the backdrop of increased tensions between Government forces and rebel groups in the north of the country. Several violent clashes were reported between the Forces armées centrafricaines (FACA) and APRD in various localities in the north-west. In one of the worst clashes in the central north, at least nine Government soldiers were killed when their convoy was ambushed by FDPC on 11 November 2008. In the north-east, the ceasefire between Government forces and UFDR elements under the Birao Peace Agreement have by and large been holding, despite increased activities by splinter groups such as MLCJ and the Forces pour l'unification de la Republique centrafricaine (FURCA). Road bandits, locally known as Zaraguinas or *coupeurs de route*, continue to operate with impunity in the northern areas. Self-defence groups, created initially to protect the local populations against bandits, have now turned into very well-organized armed militias backed by the Government in its fight against rebel groups.

8. The situation in the south-eastern region of Haut-Mbomou, which experienced a major incursion by the Lord's Resistance Army (LRA) between February and March 2008, continues to be a source of concern owing to the virtual absence of State authority. There are indications that LRA elements are using territory of the Central African Republic for resupply. They are responsible for the abduction and recruitment of children, sexual violence, and the looting of villages.

9. The volatile regional context also poses serious threats to the effective implementation of peace processes in the Central African Republic. Out of six

neighbouring countries, four suffer from similar internal conflicts which have exacerbated instability in the Central African Republic. Frequent incursions of the Chadian Armed Forces in the north, Sudanese rebels in the east, and recent attacks of LRA elements in the south-east, further destabilize the fragile security environment.

B. Armed forces and groups operating in the Central African Republic

1. Government and multinational forces

Forces armées centrafricaines

10. The Forces armées centrafricaines (FACA) is a force of approximately 5,000 soldiers. The Presidential Guard is a force of 800 to 1,000 soldiers representing the elite of the Armed Forces. There have been persistent allegations of human rights violations perpetrated by FACA and the Presidential Guard. The Gendarmerie nationale, who amount to approximately 1,300 gendarmes, have comparatively greater credibility in the eyes of the population.

Mission for the consolidation of peace in the Central African Republic

11. The Mission for the Consolidation of Peace in the Central African Republic (MICOPAX, formerly the Multinational Force of the Central African Republic) is a regional peacekeeping force, made of troops from Cameroon, the Congo (Brazzaville), Gabon and Chad. They are deployed in Bangui and in the north, with a mandate to protect populations and support security sector reform activities. The mission has brought relative security to some rural areas but the presence of Chadian peacekeepers and integrated FACA soldiers may compromise the perception of neutrality of the mission.

United Nations Mission in the Central African Republic and Chad

12. The United Nations Mission in the Central African Republic and Chad (MINURCAT), established pursuant to Security Council resolution 1778 (2007), consists of 200 European Union-led force (EUFOR) troops based in Vakaga (north-eastern part of the territory bordering Chad). The present mandate, ending in March 2009, is to secure the area of Birao and to protect refugees and humanitarian workers and aid convoys.

2. Rebel groups and other non-State armed elements

Armée populaire pour la restauration de la république et de la démocratie

13. The Armée populaire pour la restauration de la république et de la démocratie (APRD) was created late in 2005. The political leader is Jean-Jacques Demafouth and its military chief is Laurent Djim Weï. It has been mainly active in the north-west and central north. APRD consists of several hundred poorly equipped (mostly with artisanal weapons) soldiers, but their acute knowledge of the terrain and a strict control over the local populations give them a comparative advantage. To date, APRD remains the most active armed group.

Union des forces démocratiques pour le rassemblement

14. This coalition of three smaller groups was created in September 2006 and is active in the Vakaga and Haute-Kotto regions (north-east). It consists of several hundred soldiers under the leadership of Zakaria Damane. At present UFDR is actively collaborating with FACA and EUFOR/MINURCAT forces on security in this area.

Front démocratique du peuple centrafricain

15. FDPC is led by Abdoulaye Miskine, currently in exile in the Libyan Arab Jamahiriya. It is based in the central north (mostly in the prefectures of Nana-Grebizi and Ouham) and consists of several hundred soldiers mostly originating from the region. It is significantly better equipped than any other armed group in the Central African Republic, with new uniforms and limited heavy weaponry. It had not been considered a threat to security during most of the reporting period until the November 2008 ambush against FACA soldiers in central north.

Mouvement des libérateurs centrafricains pour la justice

16. Led by Abakar Sabone (originally one of the UFDR founders), MLCJ recently split from UFDR and consists of no more than a few dozen poorly equipped soldiers but builds legitimacy through ethnic rivalries and the feeling of stigmatization of some populations.

Forces pour l'unification de la Republique centrafricaine

17. Relatively little is known about this newly created armed group. It appears to consist of several dozen soldiers operating in the north-east (Vakaga) led by Oumar Younouss (alias Sodiam), who claims the support of populations marginalized by UFDR. It appears to benefit from the support of neighbouring countries.

Zaraguinas

18. Also known as *coupeurs de routes* or road bandits, Zaraguinas operate in all parts of the Central African Republic but with a particularly high concentration in the north and north-west. Zaraguinas represent a major security threat in the Central African Republic, often attacking humanitarian convoys and abducting and ransoming populations. They have different levels of organization and capacity and they are not a homogenous group. Zaraguinas often come from the Central African Republic, the Sudan, Chad or Cameroon, and sometimes even from Mali or Uganda. On occasion they have also been made up of elements from Central African Republic rebel groups or from the Chadian and Central African Republic armed forces. Confrontations between Zaraguinas and rebel groups or FACA are very common.

Self-defence groups

19. There has been a significant increase in the number and activities of self-defence militias since the beginning of 2008, especially in the north-west. They are often constituted at the village level as a response to attacks by Zaraguinas. There are indications that some militias have been constituted expressly on the initiative and/or with support of the Central African Republic Ministry of the Interior. There

are further indications that in general self-defence militias and groups operating in the Central African Republic are backed by the Government and armed with the assistance of local authorities. They have also been used as auxiliaries to FACA for operations against Zaraguinas, and increasingly against APRD. In some villages, these militias amount to 10 to 15 per cent of the overall population.

3. Foreign armed elements

Chadian Armed Forces

20. According to informal agreements between the Governments of the Central African Republic and Chad, the Chadian Armed Forces provide FACA with military support for their operations in the north, within 60 kilometres of the Chadian border. Elements of the Chadian Armed Forces regularly enter the territory of the Central African Republic to fight against rebels in the north, who are considered a threat to the Governments of both the Central African Republic and Chad.

Lord's Resistance Army

21. Joseph Kony's LRA, which originated in Uganda, is now known to operate from the north-western Democratic Republic of the Congo. Elements of LRA allegedly entered the territory of the Central African Republic four times between February and March 2008 and are responsible for exactions against the population.

Sudanese Tora Bora

22. Through most of the reporting period, Sudanese Tora Bora are known to have used the Central African Republic as a base for their rebel operations in the Sudan. However, they no longer seem to be based in the Central African Republic.

III. Grave violations against children: trends and incidents

A. Context of grave violations

23. The Central African Republic continues to have some of the worst child survival indicators in Africa. Given the poor human rights situation and the humanitarian crisis, children are particularly vulnerable to a range of grave violations, including the six violations as listed under Security Council resolution 1539 (2004). Children are the primary victims of the conflict, often recruited, forcibly displaced or abducted, and lacking access to basic life necessities such as food and clean water, or health and education services.

24. Fighting and threats against the population by all parties to the conflict have forced thousands to flee their homes. Patterns of displacement in the Central African Republic fall into two categories, although the lines between the two are often blurred. In the first case, populations leave their villages in an organized manner and stay in the bush for a few days. Such "preventive" displacement or coping strategy is usually provoked by rumours of movements of armed forces and groups or Zaraguinas. In the second case, displacement is a reaction to unexpected attacks on villages by armed forces and groups or Zaraguinas, and populations typically have no time to organize their escape and leave without any basic necessities and goods. They may hide in the bush, move from one village to the other, or end up in the

internally displaced persons camp of Kabo (central north). In this unpredictable context, children are particularly vulnerable as they might be left behind, or suffer grave violations such as abduction and recruitment, killing and maiming, and sexual violence. It is estimated that children account for half of the total number of the internally displaced population, and these children also lack access to basic education and health services.

25. The lack of birth registration processes in the Central African Republic is also a critical concern as it exacerbates the challenges related to addressing grave violations against children. According to official Government statistics, only 49 per cent of births are registered nationally, and 36 per cent in rural areas.

B. Recruitment and use of children

26. Children have been allegedly recruited by all non-State parties to the conflict in the reporting period. The highly volatile security situation in the north, with ongoing fighting and acts of banditry and subsequent displacement of populations, increases the risks of child recruitment. Therefore, the recruitment and use of children is occurring particularly in the context of non-State armed groups operating in the northern part of the Central African Republic. The emergence of self-defence militias and their increasing use by the Government as auxiliary armed elements is also becoming a source of major concern in terms of the use of children.

27. The absence of development, poor access to basic services, lack of economic and social opportunities, stigmatization of certain groups, whether ethnic, religious or social (nomadic communities are demonized as a threat to local populations) are factors that increase the risk of child recruitment.

28. Constraints related to access and birth registration or age determination has significantly impacted the capacity of the humanitarian community to determine the full scope of the phenomenon of child recruitment and use. Furthermore, the regional and cross-border dimensions of the conflict, the different characters of the armed forces and groups operating in the Central African Republic, and the shifting alliances and splintering of groups, has exacerbated the challenge of determining where the children are recruited, who specifically recruits them, and what they are used for.

29. It should be noted that during the reporting period, there have been some positive developments regarding the anticipated release of children from APRD and UFDR, following concerted advocacy of the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs and humanitarian non-governmental organization (NGO) partners, as well as the visit in May 2008 of my Special Representative for Children and Armed Conflict to the region. However, the deadlock in the peace negotiations and the subsequent withdrawal of major parties to the conflict from the Comprehensive Peace Dialogue in August 2008, stalled the implementation of the commitments to release children. To date, relatively few children have actually been released and there may also have been new recruitment.

North-west

30. APRD openly recruits children into its ranks but claims that they are not used as active combatants. This recruitment is reportedly mainly voluntary, driven by continuous insecurity, feelings of ethnic stigmatization and lack of access to all basic services. APRD recently identified 250 children for release and reintegration, but United Nations system agencies and child protection partners estimate that there may be more associated children. The initial identification of 100 children in November 2008 showed the majority to be between the ages of 12 to 17 years, with some cases of children of 9 and 10 years. Many claim to have joined voluntarily, and all of them were associated with the armed group for 2 to 4 years. No girls have been identified as yet, but the presence of a few girls has been reported. Indicative cases of recruitment of children by APRD during the reporting period are noted as follows:

(a) Three boys aged 15 to 18 years reported that they joined APRD in Paoua in 2006 owing to poverty and lack of economic opportunities. They indicated that they were mistreated and forced to steal food and money from their communities. In April 2008, they escaped and now live in constant fear of reprisals;

(b) Three brothers aged 9 to 14 years joined APRD in November 2006. They are presently waiting for formal separation in a cantonment camp near Paoua, after having been identified by the United Nations;

(c) Three boys aged 12 to 15 years reported to the United Nations they have been used as active combatants since they joined APRD in 2005.

31. Self-defence militias and groups have also recruited and used children. Motivations include social recognition, a lack of access to basic services, material benefits, and in some cases hopes of future integration into the national armed forces. Although many boys seem to volunteer to join these militias, pressure from peers and local authorities, including religious leaders, is also a factor. The presence of children in these groups remains a highly sensitive topic and the official positions of *sous-préfets* and local recruiters is that militia members are generally over the age of 18 years. However, they also admit that some of the individuals associated with the militias may be between 14 and 18 years of age, having joined because of a lack of opportunities for education or because they failed in school. There is no policy of age limits during the recruitment process, which has encouraged many underage boys to join. As a result, the presence of armed children on the main roads leading from Bossangoa to Bouar and Bocaranga has increasingly been witnessed and reported. In November 2008, the United Nations met with boys in Yambo, 60 km from Bocaranga, who claimed that they were proud to be part of the self-defence group because they protect their village against bandits and rebels.

32. Most of these groups claim to be autonomous and constituted as a response to insecurity. However, reports indicate that many self-defence militias are highly organized, especially in the region of Ouham-Pendé. The local militia coordinator reported to the United Nations that there are 2,092 militia members in this region. The recruitment process involves the choice of reliable young people by local leaders in areas under their control. They transmit the names of the youth to the local coordinator and to the *sous-préfets* and *préfet* who then pass on the lists to local police and judiciary authorities, and to the Central African Republic Ministries of the Interior and Defence.

Central north and north-east

33. Reports indicate that APRD seems not to recruit children as combatants in the central north, owing mainly to the strict control of the local commander, who wishes to send a positive message both to the population and to the international community. However, because many APRD rebels live in the communities, United Nations system agencies suspect that children might be used as messengers or for other auxiliary tasks.

34. Incidents of recruitment in the north-east in the reporting period mainly relate to activities of UFDR. However, to date, UFDR claims that it has released all formerly associated children to their communities.

35. During UFDR attacks on FACA and French army positions in Birao on 3 and 4 March 2007, some of the rebels were reportedly identified as former students of the Birao governmental secondary school. Many of them, aged 12 to 17 years, were killed. In March 2008, a group of 70 children, including 15 girls, who were released from UFDR in 2007 were registered and interviewed by the United Nations and NGO partners in eastern villages of Ouanda-Djallé, Tahala, Seregobo and Koumbal in Vakaga region. Most of them were between the ages of 11 and 17 years during their period of association with the armed group, and indicated that they had been associated from a few months to a year and a half. Almost all of the boys claimed that they had joined voluntarily and 45 per cent had served as active combatants, particularly those who were originally from UFDR strongholds. None of the 15 girls participated in active combat, and all but 2 were forcibly recruited. Children also reported various types of mistreatment such as imprisonment, having to carry very heavy loads or being physically beaten for refusing to fight. Girls reported sexual harassment or incidents of rape.

South-east

36. Although this area of the country has not been affected by the ongoing conflict, the four LRA attacks on villages in the Obo area in February and March 2008 led to significant abductions and recruitments of children. In March 2008, the United Nations established a joint mission composed of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), the Office for the Coordination of Humanitarian Affairs, the United Nations Department of Safety and Security of the Secretariat and UNICEF to evaluate the humanitarian and security situation. It found that some of the attackers were reportedly under the age of 15 years. Testimonies of the 35 adults who were abducted and later released by LRA indicated that the 55 children who had been abducted during the attacks were now used as soldiers or for auxiliary tasks, and that girls were used as sexual slaves.

C. Killing and maiming

37. Because of the local nature of the conflict and the limited use of heavy weaponry, massive indiscriminate killing of civilians, including children, is not a systematic pattern in the Central African Republic. However, significant numbers of incidents of killing and maiming of children have been reported. The attacks on and the burning of villages by all parties to the conflict have resulted in the deaths of hundreds of children. Deaths of children have also occurred during the looting of

villages by rebels, during acts of reprisal by Government forces in retaliation for strikes by rebels, and in attacks by Zaraguinas. Indicative examples of the killing and maiming of children include:

(a) On 19 August 2007, a girl was killed after members of FACA opened fire in a village in the area of Markounda (north-west) in response to an ambush by rebels a few days earlier;

(b) On 2-3 September 2007, three school boys aged 16 to 17 years were reportedly killed by members of APRD around Bodjomo (north-west) on their way back from Yamodo (Southern Chad);

(c) On 17 December 2007, in Mira (central north), Zaraguinas reportedly killed three girls and their pregnant mother during an attack. The same day, in Bekondjo, four children, including three boys and one girl, were killed in a similar attack;

(d) On 11 November 2008, the chief of the village of Kete Sido (central north) was killed with his wife and one of his children when FDPC rebels ambushed a FACA patrol on the Moyenne Sido-Kabo axis.

38. In addition, Zaraguinas are increasingly attacking villages in retaliation for the activities of self-defence groups, killing children and youth suspected of being part of militias. In December 2007, for instance, all of the men from a village on the Bozoum/Bouar axis were gathered and executed, 11 men died but a 15-year-old boy survived after feigning death. The gunshot wounds he sustained have left him severely injured.

D. Rape and other grave sexual violence

39. Preliminary reports indicate that incidents of rapes and other grave sexual violence are a critical concern in the Central African Republic, although such incidents are severely underreported. Therefore, the full scope of the problem is not sufficiently understood and this has also hampered response initiatives. All parties to the conflict are responsible for rapes and other grave sexual violence. Domestic violence is also of concern and remains greatly linked to the conflict and the subsequent general breakdown of law and order. There remains a high level of impunity for such crimes against children, and victims typically suffer stigmatization in their communities. Indicative incidents of rape and grave sexual violence during the reporting period include:

(a) In Bouar (north-west), a 12-year-old girl was raped by a FACA soldier on 1 November 2007;

(b) In a village between Bozoum and Paoua (north-west), a 15-year-old girl was raped and her belongings burned by an APRD rebel in August 2008;

(c) Fifteen girls who were released from UFDR were interviewed by the United Nations in March 2008: five girls, aged 14 to 17 years, indicated that they were regularly sexually harassed by members of the armed group (January-March 2007), and three girls aged 11, 15 and 17 years reported they were either raped or gang raped by the rebels (December 2006-June 2007).

40. Interviews undertaken with internally displaced persons from the Behily, Croisement Moissala and Bocayanga axis (central north) in Kabo in February and November 2008, also showed that Zaraguinas are responsible for acts of sexual violence and rape during their attacks. According to the internally displaced persons, these incidents are the main reason why they left their villages. Girls are reportedly abducted and taken into the bush for several days to be raped and/or to carry goods that have been stolen by Zaraguinas. Testimonies show that bandits usually target 8- to 12-year-old girls.

E. Abductions of children

41. The abduction of children in the Central African Republic, especially in the northern areas, is a critical concern. These acts are frequent and systematic and are perpetrated mostly by rebels groups and Zaraguinas for the purpose of recruitment or to extort ransom money. There have also been abductions by LRA during several incursions into the Central African Republic.

42. Zaraguinas reportedly abduct children in the north-west, particularly for payment of ransoms. Nomadic communities, such as the Peuhls, are especially targeted because they are known to own livestock that could be sold to pay ransoms. As a result, cultural patterns are changing with nomadic groups increasingly getting rid of their livestock and choosing sedentarization as a way to avoid abductions. Road bandits also abduct children, especially girls, in the central north, raping them for several days in the bush before releasing them, or using them for carrying goods. Indicative incidents of abductions during the reporting period include:

(a) On 3 February 2008, in Bemal (north-west), an 8-year-old boy was abducted along with his 27-year-old brother by six members of APRD. The victims were released following the intervention of an APRD local commander and the payment of 4,000 CFA francs (US$ 10);

(b) Between February and March 2008, LRA elements reportedly abducted 157 people, including 55 children (40 boys and 15 girls) in the area of Obo (south-east). According to the March 2008 United Nations joint mission, these figures are probably underestimations. To date, 35 people have been released but none of the 55 children and none of the pregnant women. Forty-three of the abducted children are under 15 years of age;

(c) In January 2007, two Peuhl sisters, aged 5 and 6 years, were abducted by Zaraguinas in Tatali (40 kms from Bozoum, north-west) along with 22 other children. The oldest one was regularly beaten. They were released to their family after the payment of 200,000 CFA francs ($500).

F. Attacks on schools and hospitals

43. Incidents of schools being targeted by Zaraguinas for the purpose of abducting children have been reported in the area of Bozoum (north-west). These events led to families refusing to send their children to school. The lack of security on the main roads and the burning of hundreds of villages since 2005, including schools and health centres, also add to this context and as a result, many children have not been sent to schools for months or years in areas highly affected by the conflict.

44. Schools and health centres have been destroyed as villages have been attacked and burned by all parties to the conflict in the northern part of the Central African Republic. Schools have also closed in the reporting period owing to insecurity or the displacement of populations. Two of the three schools in Birao (north-east) were also partially destroyed by FACA and UFDR during the fighting in March 2007.

G. Denial of humanitarian access

45. In the reporting period, there have been fluctuating trends in humanitarian access in the Central African Republic. The deadlocks of the political dialogue, the continuing insecurity, the rainy seasons and the lack of infrastructure such as roads have made it difficult for humanitarian convoys and staff to access some parts of the country. Zaraguinas activities also continue throughout the northern parts of the country, causing a general sense of insecurity. Attacks are also increasingly being reported further south, and it is believed that these are likely to worsen with the onset of the dry season. Zaraguinas are responsible for several attacks on United Nations and NGO personnel, including robbery, intimidation, and acts of violence, with some fatalities being reported. Indicative incidents of targeting of humanitarian personnel and goods during the reporting period include:

(a) In November 2007, on the road leading from Batangafo to Kabo (central north), an NGO vehicle was stopped by Zaraguinas. Members of local staff were beaten up and the international worker was sexually harassed and her clothes forcibly taken off;

(b) In March 2008, in Gordil (north-east), an NGO was attacked by Zaraguinas who shot at their vehicle, killing one woman and stealing goods;

(c) On 6 May 2008, two United Nations trucks delivering humanitarian supplies were attacked 12 kms from Bossambele (north-west) by Zaraguinas. The first truck tried to escape and was fired upon and the driver was injured. The second was stopped and the driver was beaten up and money was stolen;

(d) On 11 November 2008, young people in Bossangoa (north-west) attacked a United Nations truck delivering humanitarian supplies, stealing food. They claimed that the United Nations was feeding APRD rebels while populations were starving.

46. Because of the general sense of insecurity, displacements of populations and continuing fighting, some humanitarian activities have also been suspended, with dire consequences on the populations and on children in particular. In May 2008, three health centres in Gwankira, Croisement Moissala and Bocayanga (central north) were closed when beneficiaries and local staff members were forced to flee because of the threat of armed conflict. Since then only two of these centres have reopened. To date, the road leading from Croisement Moissala to Behily is still considered too dangerous and is not used by United Nations system agencies and partners owing to continued insecurity. As a result, populations leaving on this axis are deprived of humanitarian assistance. Ongoing military operations throughout the country also impeded the unrestricted passage of humanitarian convoys and staff, both local and international. In early September 2008, APRD destroyed bridges leading from Paoua (north-west) to Chad in order to prevent movements of FACA,

MICOPAX and Chadian forces. This resulted in the suspension of United Nations and NGO activities in the area since then.

47. Restrictions on passage of convoys or staff have also been increasingly reported since July 2008, especially in the north-west. Official and non-official Government and APRD checkpoints have become more intrusive, targeting vehicles carrying international or local humanitarian staff. As a result, delays in providing assistance and goods to the population are becoming more frequent. In August 2008, a fuel truck rented by a United Nations system agency and flying a United Nations flag was stopped and taxed repeatedly by APRD, FACA, the Presidential Guard, forest rangers and the police. The driver was delayed by one day because of a lack of money. Humanitarian personnel (especially local staff) were also reportedly stopped at APRD checkpoints and accused of spying, with threats made against them, including death threats. Following the high-level advocacy led by the Office for the Coordination of Humanitarian Affairs, the situation has improved significantly since September 2008.

IV. Dialogue with parties to the conflict and action plans

48. My Special Representative for Children and Armed Conflict visited the Central African Republic from 26 to 31 May 2008 to assess at first hand the situation of children in the framework of Security Council resolution 1612 (2005). The purpose of the visit was also to establish dialogue with the parties to the conflict listed in the annexes to my seventh report on children and armed conflict (S/2007/757). In this context, my Special Representative met with the leadership of APRD in the north-west and UFDR in the north-east. On the strength of the concerted and ongoing advocacy efforts led by the Office for the Coordination of Humanitarian Affairs and UNICEF, my Special Representative received commitments of APRD and UFDR to prepare, with the support of the United Nations, concrete and time-bound action plans to prevent the recruitment and use of children, and to identify and release to UNICEF and other child protection partners children in their ranks. They also committed to actions to prevent other grave violations against children. An initial group of 100 children was identified by APRD in November 2008, to be separated from the group and transferred to UNICEF and NGO partners for reintegration into their communities.

49. To date, no formal action plans in line with Security Council resolution 1539 (2004) have been signed with any party to the conflict. However, agreements for the separation and reintegration of children have been signed with UFDR in June 2007 and a formal agreement with APRD is still under discussion. It is expected that these commitments and agreements will be formally translated into child soldier action plans in the course of 2009. It is also anticipated that the United Nations will enter into dialogue with other parties to the conflict towards the preparation of action plans to address the recruitment and use of child soldiers and for commitments to address other grave violations against children.

V. Disarmament, demobilization and reintegration and programmatic response

50. To date, there is no formal disarmament, demobilization and reintegration process in the Central African Republic. The Government has proposed a disarmament, demobilization and reintegration programme for rebel combatants, and a working group has been established to determine implementation modalities. The report of the working group was formally adopted by the third meeting of the Follow-up Committee in Libreville on 20 November 2008.

51. Following a tripartite agreement signed with UNICEF and the Government in June 2007, UFDR provided a list of 500 children who had been released to their communities. From April 2007 to May 2008, UNICEF registered 237 of these children. In many cases, age verification was difficult as no birth registration services are available in the region. Interviews showed that most of the children participated directly in hostilities from April 2006 to April 2007. Ten per cent of the children were between the ages of 10 and 12 and were mostly used to carry ammunitions, food or water during the fighting. The average time of association varies from three months to one year, but some children had been associated with other rebel groups in this area for three years. Almost all of the children declared that they joined UFDR because of the lack of economic opportunities and of access to basic services, and because of feelings of ethnic stigmatization. Finally, most of the children interviewed had no educational background and are now engaged in activities such as agriculture, fishing and hunting to support their families.

52. The rebel group claims that another group of 49 children were released to their families and communities in September 2007, but this has not yet been verified by United Nations system agencies and partners. This raises a number of protection concerns related to the fact that this last group was mainly made up of children from Chad or areas still under APRD control. There are also worrisome reports that a number of released children are currently working in gold fields in the north of Haute-Kotto (Sam Ouandja and Ouadda areas, in the north-east). To date, lack of funding, coordination and coherence has impeded reintegration programmes for children who have been released by UFDR. However, UNICEF and other United Nations system agencies and partners are now prepared to resume the process.

53. Strategic partnerships on the prevention of recruitment and on the release and reintegration of children in APRD- and UFDR-controlled areas have recently been formalized with four humanitarian NGOs, namely the International Rescue Committee (IRC), the Danish Refugee Council, Comité d'aide médicale and the International Medical Corps-United Kingdom. This community-based programme foresees support for the release and reintegration of hundreds of children associated with armed groups in the northern areas. Three transit interim care centres are currently being built in the north-western districts. An emergency site to receive released children is already operational in the north-west.

54. This three-year programme will also address other child protection issues more generally, including the prevention of gender-based violence. Activities are framed to reach some 300,000 children and women affected by the armed conflict, including the most vulnerable populations such as internally displaced persons, victims of sexual violence, returnees and host communities. It will actively engage

all relevant United Nations system agencies and programmes, as well as BONUCA, NGO partners and the authorities through various Government ministries.

55. Of the $10 million that the Peacebuilding Fund allocated to the Central African Republic in November 2008, $2 million is to be dedicated to programmes for the separation of children from armed groups and their reintegration into communities. However, the projected cost of these programmes is $6.5 million. In this regard, additional funds must be raised as a matter of priority. Furthermore, prospects of the release of children cannot be isolated from the overall political dialogue, especially now that formal disarmament, demobilization and reintegration programmes are being prepared within the framework of the Comprehensive Peace Agreement. The identification of children associated with all armed groups is therefore becoming a high priority so as to separate child combatants from the formal disarmament, demobilization and reintegration process for adults to ensure that they receive the special care and services required.

56. Since 2007 in Bangui, a system of prevention of sexual violence and of legal, medical and psychosocial assistance has been implemented by the Office of the United Nations High Commissioner for Refugees (UNHCR). A referral system has also been put into place within the refugee populations, with focal points of each nationality who are trained to sensitize and assist their community. Medical and community workers of the National Commission for Refugees have also been trained on sexual and gender-based violence, and in the Sam Ouandja refugee camp, sensitization sessions have been organized by the International Medical Corps.

57. With support from UNHCR, UNICEF and other donors, the International Rescue Committee has focused its work in the Central African Republic on support of survivors of sexual and gender-based violence. Its core programme activities include referral and medical treatment of sexual assault survivors within IRC-supported health facilities; permanent psychosocial support and counselling in these facilities; IRC-operated mobile clinics; psychosocial follow-up of survivors within their communities; and information/sensitization on sexual and gender-based violence issues for populations living on the axis between Kaga Bandoro and Ouandago (central north). Since the beginning of the intervention in September 2008, IRC has registered and provided medical and psychosocial support to a total 1,183 survivors in Nana-Grebizi. IRC successfully discharged 83 per cent of patients from this caseload following completion of both medical and psychosocial treatment. To date, IRC is operating with a caseload of 202 patients in Nana-Grebizi, and since initiating services in October 2008 in Ouham-Pendé, a steady stream of survivors have been reporting to the IRC sexual and gender-based violence programme to access medical and psychosocial support. This underlines the need for strengthened sexual and gender-based violence/health-related interventions in Ouham-Pendé (north-west).

58. Since August 2006, a joint UNICEF-BONUCA-UNHCR training has been targeting MICOPAX and some FACA contingents in Ouham and Ouham-Pendé (north-west). To date, more than 500 peacekeepers and 148 FACA, gendarmes and police officers have been trained in international humanitarian law, prevention of gender-based violence, and on child protection issues, with a focus on the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and Security Council resolution 1612 (2005). In the same vein, a joint training plan of action has been designed and formally agreed with the Ministry of

Defence for the systematic training of the Presidential Guard, who have been identified as systematically committing violations against the population.

59. Sensitization on child protection of UFDR troops began in June 2007 with the training of a first group of 150 UFDR combatants, including commanders and 49 children who were still associated to the group as soldiers at that time. However, limited access in the Vakaga region has impeded this process. A similar process is currently under way in the context of an IRC initiative that targets APRD combatants in the north-west and central north.

60. As a response to regional and cross-border issues relating to children such as abductions, displacements and recruitment, a framework of collaboration is currently being tested between the UNICEF Child Protection Sections in the Central African Republic and Chad. Coordination will include the exchange of relevant information and lessons learned, occasional meetings of staff from the respective field offices, and coordinated mechanisms. Considering the regional dimension of conflicts, such collaboration has become a crucial part of the programmatic response against the grave violations described earlier.

VI. Recommendations

61. I call on all parties to the conflict to immediately and without precondition cease the recruitment and use of children and to identify and release to the United Nations those children already in their ranks. All parties must, as a matter of priority, enter into dialogue with the United Nations to prepare time-bound action plans to address the recruitment and use of child soldiers in the framework of resolution 1612 (2005), and on the basis of the criteria established for the action plans.

62. All parties to the conflict as well as other armed elements should make specific commitments with a view to putting an end to all the grave violations against children for which they are cited in my reports.

63. UFDR and APRD need to fully implement their commitments to my Special Representative for Children and Armed Conflict and to UNICEF and to continue the process of identification and release of children in their ranks; I request UNICEF and other United Nations system agencies to facilitate this process as appropriate.

64. I welcome the recent progress related to the Inclusive Political Dialogue process and the Comprehensive Peace Agreement, and entreat all parties concerned to ensure that issues concerning children are taken into full consideration throughout the implementation of the Agreement and in the post-conflict recovery and reconstruction phases. I encourage the Government of the Central African Republic, with the support of the United Nations, to develop and establish appropriate institutional arrangements to ensure that children are prioritized in the reconstruction and development processes.

To the Government of the Central African Republic

65. I call on the Government of the Central African Republic to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to translate its provisions into national law, including through the criminalization of underage recruitment. Furthermore, I urge

the Government to undertake the necessary reform of national law to bring domestic legislation into line with commitments that have been made under the Convention on the Rights of the Child.

66. In addition, I appeal to the Government to address the prevailing culture of impunity for grave violations against children, including child recruitment, sexual violence and abductions, through rigorous investigation and prosecution of those responsible for such crimes. This should include the prosecution of members of FACA and of the Presidential Guard where evidence exists of abuses perpetrated by them. The Government should also, in the context of security sector reform, ensure systematic child protection training for military and police personnel and strengthen the child protection capacity of law enforcement and judiciary officials.

67. I am deeply concerned about the recruitment and use of children by local self-defence militias and their use as auxiliary forces for military operations of the Government of the Central African Republic. The Government must ensure that such recruitment is prevented and that those children associated with militias are identified and released to child protection actors as a matter of priority.

68. To ensure greater protection of vulnerable populations, especially children and internally displaced persons, I encourage the Government to reinforce the capacity of national security forces such as the Gendarmerie in areas of prevailing insecurity such as in the north-west and in the south-east of the Central African Republic.

69. In accordance with Security Council resolution 1612 (2005), the Government of the Central African Republic should fully cooperate with the United Nations task force to implement the monitoring and reporting mechanism. In this regard a high-level focal point should be appointed within the Government to liaise with the task force and follow up and coordinate on child protection issues.

70. Furthermore, I recommend that the Government establish an inter-ministerial task force that will be responsible for coordinating actions within the Government and with the United Nations related to child disarmament, demobilization and reintegration, in line with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

To the United Nations system

71. My Special Representative for the Central African Republic and other relevant United Nations entities will need to ensure that systematic dialogue is established between the United Nations and relevant parties to the conflict for the preparation of action plans to address the recruitment and use of child soldiers in the framework of Security Council resolution 1612 (2005), and for specific commitments by these parties to address all other grave violations.

72. Furthermore, all relevant United Nations entities and their NGO partners must strengthen their efforts in support of the national authorities and civil society and to expand the scope of their child protection programming, monitoring and advocacy.

73. Together with UNICEF, my Special Representative in the Central African Republic, will need to ensure the strengthening and sustainability of the task force on monitoring and reporting; to liaise with relevant NGOs and civil society networks, and national institutions as appropriate; and to ensure effective

collaboration and coordination of child protection activities in the framework of the task force.

74. I request my Special Representative in the Central African Republic to designate as a matter of priority a Child Protection Adviser in BONUCA to ensure and coordinate with other United Nations actors the implementation of relevant provisions of Security Council resolution 1612 (2005), including the monitoring and reporting mechanism, and child protection dialogue with the parties to the conflict.

75. Given the regional dimension of the conflict, I reiterate the recommendation in my report on the situation of children in Chad (S/2008/532) that the respective United Nations country teams in the Central African Republic, Chad and the Sudan, as well as the BONUCA, MINURCAT and African Union-United Nations Hybrid Operation in Darfur political and peacekeeping missions dedicate the required resources to ensure that mechanisms are in place for information exchange and cooperation on cross-border child protection concerns such as the recruitment, release and reintegration of children.

To the donor community

76. I welcome the inclusion of the Central African Republic in the agenda of the United Nations Peacebuilding Commission and the funds that have been specifically allocated for child reintegration through the Peacebuilding Fund, and I appeal to the international community, including the World Bank and other actors, to undertake more long-term commitment of resources for United Nations operational agencies, international and national non-governmental organizations and civil society for child protection activities, including for monitoring, reporting and response.

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Letter dated 2 February 2009 from the Secretary-General to the President of the Security Council

I have the honour to inform you that I have received from the Government of Pakistan a request that I establish an international commission in connection with the assassination on, 27 December 2007, of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto. I am mindful of the determination and efforts made by Pakistan to search for the truth and bring to justice all financiers, perpetrators, organizers, sponsors and conspirators of this terrorist act so that they will be held accountable.

Following receipt of the request from the Government of Pakistan, and after extensive discussions with the Pakistani authorities as well as with members of the Security Council, it has been agreed that the international commission should be fact-finding in nature and that its mandate would be to determine the facts and circumstances of the assassination of former Prime Minister of Pakistan, Mohtarma Benazir Bhutto.

On this basis, I wish to accede to the Pakistani request and intend to establish a three-member Commission of Inquiry.

I enclose with the present letter the draft terms of reference for the proposed commission (see annex). You will note that the commission's mandate would be of a limited duration (a maximum of six months), and would not extend to carrying out a criminal investigation. The duty of determining criminal responsibility of the perpetrators of the assassination would remain with the Pakistani authorities. The international commission would enjoy the full cooperation of the Pakistani authorities and be accorded the privileges, immunities and facilities necessary for the independent conduct of the inquiry, including, in particular, unhindered access to all relevant sources of information. The international commission may request cooperation of a third State in the collection of materials or information relevant to the case. I count on the full cooperation of Member States with such a request.

The international commission would be composed of a panel of three eminent personalities having the appropriate experience and a reputation for probity and impartiality. It would be staffed in a manner to enable it to carry out its duties effectively. The specific details of the logistical, financial, security and human resources requirements of the commission would be determined based on the results of a small security and technical mission that would be dispatched to Pakistan and other places, as necessary, in light of the Security Council's support for the establishment of the commission.

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The international commission would be funded by voluntary contributions from Member States. Pakistan has offered to provide "seed money" to an appropriate United Nations trust fund to help an early deployment of security and technical assessment missions. The Secretariat is engaged in discussions with the Pakistani authorities as to the size and nature of a Pakistani contribution, mindful of the importance of maintaining the independence and impartiality of the commission.

I shall decide upon a date for the international commission to commence its operations once I have received sufficient voluntary contributions to cover the work of the commission in its entirety.

(*Signed*) **Ban** Ki-moon

Annex

Terms of reference of the Commission of Inquiry

1. At the request of the Government of Pakistan that the Secretary-General establish an international commission for the purpose of investigating the assassination, on 27 December 2007, of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, and after extensive consultations with Pakistani officials as well as with members of the Security Council, I have decided to appoint a three-member Commission of Inquiry to determine the facts and circumstances of the assassination of the former Prime Minister.

2. In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government of Pakistan. The Government shall comply with the requests of the Commission for assistance in collecting the required information and testimony, and shall provide it with the necessary facilities to enable it to discharge its mandate. It shall, in particular, guarantee to the Commission:

(a) Freedom of movement throughout the territory of Pakistan, including facilities of transport;

(b) Free access to all places and establishments relevant to the work of the Commission;

(c) Freedom of access to all sources of information, including documentary material and physical evidence, freedom to interview representatives of governmental, as well as other institutions and, in principle, any individual whose testimony is considered necessary for the fulfilment of its mandate;

(d) Appropriate security arrangements for the personnel, documents, premises and other property of the Commission;

(e) Protection for all those who appear before or provide information to the Commission in connection with the inquiry; no such person shall, as a result of such appearance or information, suffer harassment, threats of intimidation, ill-treatment, reprisals, or any other prejudicial treatment;

(f) Privileges, immunities and facilities necessary for the independent conduct of the inquiry. In particular, members of the Commission shall enjoy the privileges and immunities accorded to experts on missions under article VI of the 1946 Convention on the Privileges and Immunities of the United Nations, and to officials under articles V and VII of the Convention.

3. The Commission may approach third States with a request for cooperation in the collection of material or information relevant to the case and provision of expert personnel. In so doing, it may seek the assistance of the Government of Pakistan.

4. The Commission shall be composed of a panel of three eminent personalities having the appropriate experience and a reputation for probity and impartiality. The panel shall be assisted by the necessary staff as well as by administrative, security and technical staff.

5. The location of the Commission of Inquiry shall be determined by the Secretary-General.

6. The Commission shall submit its report to the Secretary-General within six months from the start of its activities. The Secretary-General will share the report with the Government of Pakistan and submit it to the Security Council for information.

7. The Commission shall be funded by voluntary contributions from Member States. A United Nations trust fund will be utilized to receive such contributions.

8. The Commission shall commence its activities on a date to be determined by the Secretary-General, which will be officially communicated to the Government of Pakistan.

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Letter dated 3 February 2009 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 2 February 2009 (S/2009/67), concerning your intention to accede to the request from the Government of Pakistan and establish an international commission in connection with the assassination, on 27 December 2007, of former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, has been brought to the attention of the members of the Security Council. They took note, with appreciation, of the intention expressed in your letter. On behalf of the members of the Security Council, I would like to confirm your intention to submit the report of the commission to the Security Council for information, as stated in the draft terms of reference for the proposed commission.

(*Signed*) Yukio **Takasu**
President of the Security Council

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Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008)

I. Introduction

1. The present report provides an update on the activities of the United Nations Observer Mission in Georgia (UNOMIG) since my report of 3 October 2008 (S/2008/631). It is submitted pursuant to Security Council resolution 1839 (2008), which extended the mandate of the Mission until 15 February 2009.

2. My Special Representative, Johan Verbeke, continued to lead the Mission. He was assisted by the Chief Military Observer, Major-General Anwar Hussain (Bangladesh). The strength of the Mission on 31 January 2009 stood at 131 military observers and 20 police advisers (see annex).

II. Political process and major developments

3. The dramatic developments during August 2008 and subsequent events, such as the recognition by the Russian Federation of Abkhazia's independence and Georgia's withdrawal from the Moscow Agreement on a Ceasefire and Separation of Forces of 14 May 1994 (S/1994/583, annex I), have considerably affected the context in which UNOMIG carried out its mandated tasks as defined by the Security Council in its resolution 937 (1994) and in subsequent resolutions. During the reporting period, the security regime based on the Moscow Agreement has seen further signs of erosion. The Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS), which had been in place in the conflict zone for the past 14 years, was officially terminated as at 15 October by the decision adopted at the meeting of the Ministers for Foreign Affairs of CIS, held in Bishkek on 9 October. Armed forces of the Russian Federation remained deployed on the Abkhaz-controlled side of the zone of conflict. Georgian and Abkhaz forces, including heavy weapons, were deployed on their respective sides of the ceasefire line, facing each other in a potentially dangerous stand-off. Notwithstanding these new challenges, the Mission continued its activities, including through active patrolling, observation and liaison with the parties in its area of responsibility.

4. Throughout the reporting period, my Special Representative and the Mission's leadership maintained regular contacts with the Georgian and Abkhaz sides, urging

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them to comply with the spirit of the Moscow Agreement. My Special Representative invited their views on a possible future United Nations mission. He also held consultations with senior representatives of the Russian Federation, the United States of America, the European Union and its members, as well as the Organization for Security and Cooperation in Europe (OSCE) on the same subject.

5. Pursuant to the six-point agreement of 12 August 2008 and subsequent implementing measures of 8 September 2008 (see S/2008/631, paras. 11 and 15), my Special Representative co-chaired, together with representatives of the European Union and OSCE, three rounds of international discussions in Geneva. Delegations from Georgia, the Russian Federation and the United States, as well as Abkhaz and South Ossetian representatives participated in the discussions. The first meeting took place on 15 October and was essentially devoted to procedural matters.

6. In the course of the second round, held on 18 and 19 November, two working groups — on security and stability and on refugees and internally displaced persons — met and agreed to focus on practical issues, setting aside divisive political differences. During the discussions, the co-chairmen emphasized the necessity of addressing the continuing security incidents on the ground and creating, for that purpose, an incident prevention and response mechanism. They also emphasized the need for establishing a basic security regime that would set limits as to the number and nature of personnel and military materiel that could be deployed in the conflict areas.

7. The third round of discussions took place on 17 and 18 December. The working group on security and stability discussed the proposal for joint incident prevention and response mechanisms which had been prepared by the co-chairmen in advance of the meeting. Although all participants engaged in substantive discussions and agreed on most elements of the proposed mechanisms, a few differences persisted, which prevented the reaching of an agreement. The working group on refugees and internally displaced persons also engaged in intense discussions on concrete steps to improve the living conditions of the displaced population. The participants agreed in principle to hold the next round of discussions in Geneva on 17 and 18 February 2009.

8. Persisting tensions in Georgian-Russian relations continued to affect the overall situation in the region. Following Georgia's severance of diplomatic relations with the Russian Federation in early September, Georgian officials continued to qualify the August events as essentially a Georgian-Russian conflict and to insist on the internationalization of the negotiation and peacekeeping formats. Russian officials, for their part, made repeated references to the "new realities" created after the August developments, more specifically the recognition of Abkhazia and South Ossetia by the Russian Federation.

9. On 23 October, the Parliament of Georgia adopted a law declaring Abkhazia and South Ossetia "occupied territories" and the Russian Federation a "military occupier". The law, signed on 31 October by the President of Georgia, declares null and void all legislative and administrative acts issued by the de facto authorities in Abkhazia and South Ossetia. It also restricts access to these territories and prohibits economic and financial activities that do not comply with Georgian law. These restrictive provisions raised concerns within the international community with regard to humanitarian access to the conflict affected areas.

10. On 4 November, the Parliament of the Russian Federation ratified the Russian-Abkhaz and Russian-South Ossetian treaties on friendship, cooperation and mutual assistance (see S/2008/631, para. 16). Russian officials stated that the presence of Russian armed forces in Abkhazia and South Ossetia would be based on these documents and announced plans for the establishment of military bases and the deployment of 3,700 troops, respectively, in Abkhazia and South Ossetia. On 23 December, the Minister for Foreign Affairs of the Russian Federation and the de facto Minister for Foreign Affairs of Abkhazia signed a memorandum of understanding on cooperation in international affairs. The Minister for Foreign Affairs of the Russian Federation announced that additional agreements, including an agreement on cooperation in the military field and joint protection of "Abkhazia's borders", would be signed at the beginning of 2009.

11. On 22 December, the OSCE participating States failed to reach consensus on a renewal of the mandate for the OSCE mission in Georgia, which expired on 31 December. The OSCE Chairman-in-Office had proposed a scheme of parallel field offices in Tbilisi and Tskhinvali under the direction of a special representative based in Vienna. The Russian Federation had called for separate presences of the OSCE in Georgia and in Tskhinvali. The United States and European officials expressed regret over the inability of OSCE to reach consensus on the renewal of the OSCE mandate. Georgian officials condemned "Russia's veto" which, they stated, demonstrated efforts by the Russian Federation to reduce the international presences, and accused Moscow of breaching the six-point agreement.

III. Developments in the Mission's area of responsibility

Gali sector

12. During the period under review, the situation in the Gali sector remained tense. An increase in criminal activities and cross-ceasefire line incidents contributed to the tension. Formal restrictions on crossing the ceasefire line, reinforced by the destruction of pedestrian bridges across the Inguri River and the laying of mines along the ceasefire line, resulted in additional hardship for the local population. By 15 October, the CIS peacekeeping force had withdrawn, while a substantial number of Russian Federation forces remained in the zone of conflict.

13. From October until early December, the Russian Federation forces took over the positions previously held by the CIS peacekeeping force and constructed new fortified positions on the Abkhaz-controlled side of the ceasefire line, most of which remained unoccupied. The Russian airborne battalion, which had arrived at the end of April 2008 and was stationed near Reka village in the restricted weapons zone, withdrew from the zone of conflict in November.

14. In December, the Mission observed a convoy of Russian Federation forces composed of heavy military equipment, including tanks and self-propelled artillery guns, entering the security zone. According to the information provided by the Russian Federation forces, their deployment in the security zone was concentrated in five areas along the ceasefire line, stretching from the upper Gali district to the Black Sea coast: Lekukhona, Saberio, Chuburkhindji and Nabakevi villages, and a post on the coast. The Russian Federation forces also continued to occupy three former CIS peacekeeping force observation posts in the Gali district. In the

Mission's assessment, the strength of the Russian Federation forces in the Gali district stands at one battalion, with supporting components.

15. During the reporting period, the Mission also reported the introduction of heavy weapons and military personnel by the Abkhaz side into the zone of conflict, which added to the tension. In November, the Abkhaz side deployed armoured personnel carriers and military personnel in the security zone. In December, Abkhaz military convoys that included T-55 tanks, armoured personnel carriers, and trucks towing anti-aircraft guns were observed in the lower Gali district along the ceasefire line. The Abkhaz forces also took control of the three former CIS peacekeeping force posts in the same area. My Special Representative and the Chief Military Observer urged the Abkhaz side to comply with the spirit of the Moscow Agreement and to withdraw their military materiel from the zone of conflict.

16. The Mission maintained regular contacts with the Abkhaz de facto authorities and Russian Federation forces with a view to carrying out the operational aspects of its mandate. These contacts proved satisfactory. However, on a number of occasions, the Mission's freedom of movement was restricted by Abkhaz personnel. There were also incidents of shooting in the air by Abkhaz de facto law enforcement personnel in the presence of United Nations patrols and of pointing weapons at United Nations patrolling vehicles, and a number of instances when Abkhaz personnel exhibited an aggressive attitude towards the patrols. For some time, the Mission was also prevented from accessing Abkhaz observation posts located along the north side of the Gali canal because of the threat of mines.

17. On 6 October, an Abkhaz serviceman was reportedly killed as a result of a shooting incident in the vicinity of Nabakevi. The Abkhaz side claimed that the shooting originated from the Georgian-controlled side of the ceasefire line. On 23 and 24 October, four persons were killed in three separate incidents in Gali town and in the villages of Tagiloni and Dikhadzurga. Two of the victims were former Abkhaz de facto law enforcement servicemen.

18. The ceasefire line has remained formally closed by the Abkhaz side since July 2008, except in cases of medical emergency. These restrictions limited the access of the Gali population to cheaper food and non-food items in the Zugdidi district and their contacts with relatives across the ceasefire line. The restrictions on movement also led to cases of extortion at the crossing points.

19. In addition, several improvised pedestrian bridges were destroyed in October by the Abkhaz side to prevent "illegal" crossing of the ceasefire line. Shamgona and Tagiloni bridges were destroyed by explosions, and another bridge between Otobaya and Orsantia villages was dismantled and obstructed with barbed wire. The Tagiloni bridge was repaired by the local population in December. Subsequently, the Abkhaz de facto authorities announced that there were three "official" crossing points: at the Inguri River bridge and at the villages of Saberio and Meore Otobaya. Nonetheless, the Mission observed that the local population continued to cross the ceasefire line in other places, including by wading across the river.

20. In October, the Mission received reports that mines had been laid in the vicinity of the ceasefire line by Abkhaz security personnel. A tractor was destroyed by a mine explosion at Zeni 2 village, causing no injuries, and there were reports of cattle killed by explosions. The Abkhaz de facto authorities confirmed "limited and temporary" mining along the ceasefire line to prevent "illegal" crossings. They

asserted that the local population had been informed and warning signs had been posted, but that in some cases, local residents were removing the signs. The international non-governmental demining organization, Halo Trust, was instructed by the de facto authorities not to undertake demining activities along the ceasefire line.

21. During the period under review, the crimes reported to the Mission increased compared to the previous reporting period, with eight homicides, four attempted homicides, three abductions, one attempted abduction and three robberies reported.

22. The United Nations police continued to liaise with the Abkhaz de facto law enforcement agencies in the Gali, Ochamchira and Tkvarcheli districts. Thirty training courses in forensics, police management, police tactics and other policing skills were held for 359 Abkhaz de facto police officers. The United Nations police also conducted 116 visits to the local de facto law enforcement facilities and held 98 meetings with the Abkhaz de facto police commanding staff. Six lots of policing equipment were donated to Abkhaz de facto law enforcement agencies.

23. The United Nations police trained 41 de facto police officers in road safety and donated three traffic accident investigation kits. As part of its community policing programme, it facilitated the training of 530 schoolchildren in traffic awareness by the de facto police and the broadcasting of traffic safety programmes by a local television company.

24. During the reporting period, the Mission's Human Rights Office reported some increase in the cases of alleged harassment and intimidation of the local population in the Gali district. The replacement of the CIS peacekeeping forces by regular troops of the Russian Federation caused fear, especially as these forces have moved into and fortified their positions in the villages, sometimes on private fields, without compensation to the owner.

25. The Human Rights Office continued to monitor developments concerning the issuance of Abkhaz passports in the Gali district and the language of instruction, reporting that the number of academic hours allocated to studying the Georgian language was reduced for the 2008-2009 school year. The autumn conscription in the Gali district led to some young men going into hiding or allegedly resorting to bribing in order to avoid the draft. The Office also continued to monitor the conditions of detention in Gali town.

Zugdidi sector

26. During the reporting period, the situation in the Zugdidi sector remained tense. As in the Gali district, the continued closure of the ceasefire line and destruction of pedestrian bridges at the crossing points contributed to the burdens experienced by the local population. The deployment of "Cobra" light armoured vehicles by the Georgian Ministry of Internal Affairs to patrol the ceasefire line contributed to the perception of tensions. The military base in Senaki, outside the Mission's area of responsibility, was reportedly reinforced with personnel and heavy equipment, such as tanks, artillery and armoured personnel carriers.

27. By 9 October, the CIS peacekeeping force had withdrawn from the Georgian-controlled side following the deployment of the European Union monitoring mission on 1 October in the area adjacent to the Abkhaz-controlled side of the zone of conflict. The Mission maintained regular contact with the European Union

monitoring mission both at the heads of mission and at the operational levels, including meetings between Zugdidi sector commanders to exchange information and frequent contacts between patrols.

28. Following the withdrawal of the CIS peacekeeping force, the Mission withdrew its temporary observation post, which was co-located, for security and logistics reasons, with the former CIS peacekeeping post in the north-eastern corner of the Zugdidi sector, and which had monitored the movement on the road to the upper Kodori Valley.

29. During the subsequent period, personnel of the Georgian Ministry of Internal Affairs reoccupied most of their posts vacated in August 2008 and established a number of new posts along the ceasefire line. In November, the Ministry informed the Mission of its intention to deploy unarmed armoured vehicles in order to conduct patrols along the ceasefire line. In December, it deployed 22 "Cobra" light armoured vehicles, including 2 ambulances, to its Zugdidi headquarters. Although the Mission advised the Georgian side against deployment of these vehicles, the Ministry began to use them for day and night patrolling along the ceasefire line in late December.

30. On 19 October, firings, reportedly coming from an armoured personnel carrier in the Nabakevi area on the Abkhaz-controlled side, caused several explosions on the Georgian-controlled side of the ceasefire line. Four of the explosions took place within 100 metres of a Georgian Ministry of Internal Affairs observation post and damaged a residential house in Kurcha village.

31. On 25 October, the Mission followed up on reports of rocket-propelled grenade fire on a house in Muzhava, close to the ceasefire line. While the patrol was examining the empty shells of the rocket-propelled grenades close to the incident scene, it heard an explosion inside the house. The explosion killed the head of Tsalenjikha municipality and injured two other persons, one of whom later died. The cause of the explosion and the identity of the perpetrators could not be established.

32. In the morning of 15 November, an incident close to Kalagali village provoked the most serious stand-off between Georgian Ministry of Internal Affairs and Abkhaz de facto security personnel along the ceasefire line during the reporting period. During an exchange of fire, a Georgian serviceman was shot dead. In the afternoon of the same day, while the United Nations police and personnel of the European Union monitoring mission were inspecting the scene of the incident, a second round of shooting came from the Abkhaz-controlled side, but no one was injured. On 20 November, the Georgian Ministry of Internal Affairs observation post no. 272 in Ganmukhuri came under fire from the direction of the ceasefire line. The personnel at the observation post returned fire. Later, while a United Nations police patrol was in the area examining the scene, another round of shootings occurred. In both the 15 and 20 November incidents, the Abkhaz side claimed that it opened fire to prevent an armed group from crossing the ceasefire line. The Mission could not find evidence substantiating this claim. Another shooting incident occurred between personnel of the Georgian Ministry of Internal Affairs and unknown perpetrators at Orsantia village on 23 November. No casualties were reported.

33. On 26 November, at the same post of the Georgian Ministry of Internal Affairs in Ganmukhuri, shots were fired from the Abkhaz-controlled side as Georgian personnel carried out demining in the area. The United Nations patrol, which

happened to be in the same area, advised the Georgian side to stop the demining activity in the area until the matter could be coordinated with the Abkhaz side. Following the Mission's facilitation, the area was demined on 29 November at a time mutually agreed by both sides. Abkhaz representatives observed the demining from the other side of the ceasefire line.

34. On 4 January, the same observation post was targeted by several rocket-propelled grenades and automatic gunfire reportedly coming from the direction of the ceasefire line, leading to an exchange of fire. There were no reports of casualties. The Mission was not in a position to conduct an investigation of the incident owing to the reported presence of mines near the ceasefire line. The Abkhaz de facto authorities denied involvement in the attack.

35. On 8 January, the Mission received reports of some 15 explosions near the village of Orsantia. The Mission assessed, after examining the small craters in the area of the incident, that the grenades were launched from the direction of the ceasefire line. On 14 January, a Georgian police post at the Inguri River bridge — the main crossing point — reported it had engaged in an exchange of fire after being shot at by unknown perpetrators. No casualties were reported. On 18 January, an attack was reported on a post of the Georgian Ministry of Internal Affairs in Khurcha, close to the ceasefire line, in which one Georgian sustained minor injuries. The Georgian side blamed the attack on the Abkhaz side which, in turn, denied its involvement. The Mission's initial investigation was inconclusive owing to the lack of material evidence.

36. The criminal incidents reported to the Mission during the period under review included 6 homicides, 1 attempted homicide, 5 abductions and 15 robberies.

37. The United Nations police, in the framework of its advisory programme for the Georgian police, continued to conduct joint patrols, regular visits to law enforcement facilities and meetings with commanding staff. It also donated 15 lots of policing equipment to the Georgian police.

38. The United Nations police organized 31 training courses in forensics, police tactics, investigation and other policing matters for 410 police officers. It trained 62 patrol police officers in road safety and donated three traffic accident investigation kits. In November, the United Nations police facilitated a pilot training course in Zugdidi on combating organized crime. It also facilitated the third annual conference of the Samegrelo-Zemo Svaneti branch of the Women Police Association and organized a number of joint crime prevention projects.

39. In October, the United Nations police organized in Batumi an international round-table discussion with participants from Armenia, Azerbaijan, Georgia, Ukraine, the European Union and OSCE, entitled "Enhancement of cooperation between civil society institutions and law enforcement agencies".

Kodori Valley

40. During the reporting period, the overall security situation in the Kodori Valley was calm. The Abkhaz side continued to maintain control of the valley with the support of the Russian Federation forces. The Abkhaz forces are manning the former CIS peacekeeping checkpoint no. 107, which is the only visible deployment of forces in the lower Kodori Valley. The Russian battalion in the upper Kodori Valley is headquartered in the former CIS peacekeeping force headquarters in Gentsvish.

Reportedly, five Russian Federation posts have been established in the upper Kodori Valley, including at the Khida and Kalamri-Sukhi passes.

41. The Mission conducted three patrols to the upper Kodori Valley in October, November and December to assess the security and humanitarian conditions, including the situation regarding the return of population displaced as a result of the August events. The patrols were able to speak with several inhabitants and members of the new de facto local administration. According to the Abkhaz de facto local administration, 172 inhabitants of the upper Kodori Valley remained for the winter. Abkhaz de facto authorities announced that all the local population, estimated in 2002 at up to 2,000, could return if the displaced persons obtained Abkhaz "passports" and gave up their Georgian citizenship.

Mission-wide developments

42. The weekly quadripartite meetings have remained suspended since October 2006. The fact-finding team worked on the investigation of five cases during the period under review, including the shooting in Kalagali village on 15 November and the Ganmukhuri incident on 20 November.

IV. Cooperation with the Collective Peacekeeping Forces of the Commonwealth of Independent States

43. The Mission continued its contacts with the CIS peacekeeping force until its termination on 15 October.

V. Human rights issues

44. During the reporting period, the Mission's Human Rights Office continued to promote human rights protection and to provide support to local non-governmental organizations. The Office continued to conduct monitoring visits to detention facilities, to monitor court proceedings and to provide advisory services to the local population. Its city office in Sukhumi continued to follow up on complaints generally related to due process and the right to a fair trial, the treatment of detainees and property rights issues.

45. The Human Rights Office followed up on individual cases involving issues of freedom of expression, right to work, right to equal treatment and non-discrimination, right to asylum, right of access to health services as well as alleged extortion. It also continued monitoring the publicized case of a lawyer who had been physically attacked in November 2007 in the context of the exercise of his professional duties.

46. The Human Rights Office observed excessively long and complex judicial procedures in property-related cases. Administration of justice in criminal cases, however, improved — resulting in better proceedings — and legal assistance provided by lawyers to victims and defendants continued to become more effective.

47. The Human Rights Office supported the holding of events in commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. Civil society, including local non-governmental organizations, schoolchildren, local

media and other relevant stakeholders participated in film screenings, debates and discussions on human rights themes.

48. The Human Rights Office also continued to facilitate the "assisting communities together" project, which offers grants to local non-governmental organizations for human rights education and training projects at the grass-roots level. The project is funded jointly by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP). In cooperation with OSCE, the Mission's Human Rights Office continued to support the Human Rights Centre at Sukhumi University.

VI. Humanitarian and rehabilitation activities

49. Through its Trust Fund, the Mission completed the last projects of the European Commission rehabilitation programme for the zone of conflict. As part of this programme, the Mission implemented projects on both sides of the ceasefire line over the last three years totalling approximately €1 million. The projects completed during the reporting period included the construction and renovation of lavatory facilities in three buildings for internally displaced persons in Zugdidi, the rehabilitation of electrical network systems in hospitals in the towns of Gali, Ochamchira and Tkvarcheli; and the rehabilitation of the Zugdidi tuberculosis hospital and of its electrical supply network.

50. The Mission completed the renovation of the premises of the non-governmental organization, World without Violence, in Sukhumi and of an orphanage in Ochamchira. Rehabilitation work continued in the Gali hospital. The Mission also contributed to the construction of a water supply system and the furnishing of a kindergarten in Zhgvaia village in the Zugdidi district.

51. UNDP completed almost all activities related to water supply system rehabilitation in the districts of Gali, Tkvarcheli and Ochamchira, providing approximately 2,300 persons with access to drinking water. The local communities, consisting of different ethnic groups — Georgians, Abkhaz, Greeks and Armenians — participated actively in this work. UNDP also trained 93 female entrepreneurs in business management and business plan development, supporting 15 business plans. As part of the project, 5,600 households received access to veterinary services in the region. Support to farmers' groups in the three districts led to a substantial increase in their crop yield, including through more efficient pest management in the region.

52. The Office of the United Nations High Commissioner for Refugees (UNHCR), together with its partners, completed the activities planned for 2008 in accordance with its strategic directions. These activities included community-based protection and confidence-building, education-related projects, basic shelter repair, income generation, agricultural support and training. In October, the United Nations Office for the Coordination of Humanitarian Affairs, UNHCR and the World Food Programme (WFP) organized delivery of food and non-food assistance to the civilian population in the upper Kodori Valley. In December, UNHCR began a winterization project, providing firewood to 62 schools in the Gali, Ochamchira and Tkvarcheli districts.

53. The Danish Refugee Council continued the rehabilitation of 247 houses in the lower Gali area and distribution of food security and business grants. It also

continued its support to small and medium-size enterprises and to 15 small community infrastructure projects in the Gali, Ochamchira and Tkvarcheli districts. In addition, the Council began a new project to rehabilitate roofing, electrical and water-sanitation lines in 7 apartment blocks and 40 houses in Sukhumi, as well as in the 3 districts.

54. WFP, in partnership with World Vision International, continued to assist vulnerable population groups through its food-for-work programmes, which are aimed at rehabilitating the agricultural infrastructure in the Gali, Tkvarcheli and Ochamchira districts. In collaboration with World Vision International, UNHCR and other donors, WFP supported the establishment of free school canteens and continued to provide, in cooperation with Médecins Sans Frontières, food to patients in the Gulripsh hospital.

55. The International Committee of the Red Cross, which operates in the upper Kodori Valley, provided four-month food rations and non-food items to individuals who remained for the winter.

VII. Mission support

56. The Mission continued its HIV/AIDS prevention and awareness programme. It held training sessions for existing and incoming personnel and continued to distribute and display materials in the Mission area. The Mission also held a number of activities to mark World AIDS Day on 1 December. In the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security, the Mission regularly addressed gender-related issues and welcomed the expansion of the role and contribution of women among the military personnel. It also continued to deliver induction briefings on gender equality in peacekeeping to all incoming personnel.

57. The Mission continued its efforts to implement a zero tolerance policy with regard to illegal drugs and sexual exploitation and abuse. In addition to its regular induction briefings, the Conduct and Discipline Unit focused in early 2009 on briefing all Mission staff on fraud and misuse of United Nations assets and on alcohol and substance abuse.

VIII. Financial aspects

58. The General Assembly, by its resolution 62/260, appropriated the amount of $34.5 million for the maintenance of UNOMIG for the period from 1 July 2008 to 30 June 2009. Should the Security Council decide to extend the mandate of the Mission beyond 15 February 2009, the cost of maintaining the Mission would be limited to the amount approved by the Assembly.

59. As at 30 November 2008, unpaid assessed contributions to the special account for UNOMIG amounted to $19.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $3,164.5 million.

60. Reimbursement for medical facilities provided to UNOMIG by the Government of Germany has been made for the period until 31 December 2006. As

at 19 January 2009, the amount owed for the medical facilities totalled $156,050 for the period from January 2007 to September 2008.

IX. Observations

61. In my last report in October 2008, I pointed out that in the aftermath of the August hostilities, the military and political situation on the ground had not been settled. I also noted that it was not yet clear which elements, if any, of the Moscow Agreement would be retained as a result of the ongoing security discussions. Given this uncertainty, I stated that it was premature to define a new role for the Mission and that consultations would be intensified with the two sides and other international stakeholders with a view to determining an appropriate future role of the United Nations.

62. The overall security situation in the Mission's area of responsibility since the mandate was extended on 9 October 2008 has remained tense. There have been a considerable number of security incidents involving casualties on both sides and what little communication there was between the sides has largely broken down. A further deterioration of the situation cannot be excluded. On the Abkhaz-controlled side, the Russian Federation forces have taken over previous positions of the CIS peacekeeping force and have constructed new fortified positions in the zone of conflict. Moreover, Abkhaz heavy weapons and military personnel have been introduced into the zone of conflict. At the same time, personnel of the Georgian Ministry of Internal Affairs have established new positions and deployed light armoured vehicles in the security zone. Apart from these developments, both sides have largely continued to respect limitations that were in place under the Moscow Agreement. Also of concern are the burdens currently experienced by the local populations, in particular the increased obstacles to their freedom of movement across the ceasefire line.

63. In this fragile security context, the Mission has continued its patrolling and other tasks on both sides of the ceasefire line, without major impediments. However, the context in which the Mission operated has changed fundamentally: the status of the Moscow Agreement, which provided the basis for its mandate and the ceasefire regime, is, at best, no longer clear; and the CIS peacekeeping force, which the Mission observed and on which it had to rely for its own security, is no longer in place. The operation and security of the Mission now depend largely on the goodwill of the sides. While I continue to believe that the Mission contributes to the stabilization of the situation, as a result of these developments, its position has become precarious and could rapidly become unsustainable.

64. While the Geneva discussions on security and stability, co-chaired by the European Union, OSCE and the United Nations, have made tentative progress, they have yet to deliver tangible results. I call upon the parties to maintain their active engagement and to redouble their efforts with a view to reaching agreement on key elements of a security regime, including a mechanism to prevent and manage incidents, as well as on a number of outstanding issues related to the situation of refugees and internally displaced persons.

65. My Special Representative has undertaken discussions with the parties and international stakeholders on the future role of the United Nations Mission. These discussions have confirmed general support for a continued United Nations

presence, but have also identified considerable differences as to the nature and scope of its mandate. Despite these divergences, I believe that it is still possible for the parties to agree on key elements of a security regime and on a United Nations role in support of its implementation, be it in the framework of the Geneva discussions or through the facilitation of my Special Representative.

66. Until renewed agreement on a comprehensive security regime is reached, there is a need to ensure a degree of stability in the conflict area. It is my belief that basic elements of a separation of forces regime should be adhered to by all parties. Certain elements of such a regime remain in place, albeit in fragmented form. The 12 August and 8 September 2008 agreements as well as some earlier agreements and understandings, or elements thereof, remain in force and are at least observed in part by the parties. Drawing on these elements and on United Nations experience in the conflict zone, and fully cognizant of the diverging views of the parties, I believe that the following could be considered as a basis for an effective security regime:

(a) Strict observation of the ceasefire on land, at sea and in the air, and refraining from hostile actions;

(b) A zone, equivalent in its territorial expanse to the "security zone" provided under the Moscow Agreement, on both sides of the ceasefire line, where the presence of armed forces and equipment will not be allowed, with the exception of law enforcement personnel, the number of which should not exceed 600 on either side, armed with personal and side arms, and additional zones, equivalent in their territorial expanse to the "restricted weapons zone" under the Moscow Agreement, on each side of the ceasefire line, where heavy military equipment would not be allowed, including tanks, armoured personnel carriers, all types of artillery and mortars;

(c) A ban on overflights by military aircraft and unmanned aerial vehicles in the zones described above;

(d) Advance notification of any changes in the deployment of armed personnel and equipment in the zones described above;

(e) Designation by each party of authorized representatives who, including through United Nations facilitation, would liaise on both a regular and ad hoc basis with a view to exchanging information, preventing tensions and resolving incidents.

67. The foregoing elements do not constitute a comprehensive security regime, nor should they prejudge in any way agreements reached by the parties. However, they could serve as a basis for discussions between the parties on such a regime, which I hope can be developed and finalized without delay, with the strong encouragement of the Security Council. As such, and in the interest of ensuring stability and security until a more comprehensive framework is reached, the Council may wish to call upon the parties to continue to adhere to the elements set out above.

68. At the same time, taking account of the precarious security situation and in order to contribute to the well-being of local populations, I propose that the Council endorse the continued presence of a United Nations mission, retaining the current configuration and deployment, and to entrust it with the following tasks:

(a) To regularly patrol its area of operations, that is, the area formerly defined as the "zone of conflict" under the Moscow Agreement, on both sides of the ceasefire line, and the Kodori Valley;

(b) To liaise with all relevant parties, including local populations, local authorities as well as security and armed forces with a view to preventing tensions, resolving incidents and ensuring freedom of movement across the ceasefire line for local populations;

(c) To monitor the parties' adherence to any elements of a security regime endorsed or reaffirmed by the Security Council and investigate any breaches thereof;

(d) To contribute, by its presence, to the improvement of the humanitarian situation and the creation of conditions conducive to the safe and dignified return of internally displaced persons and refugees, including through the facilitation of people-to-people contacts;

(e) To assist the parties in the further development of a mutually agreed comprehensive security regime and, through my Special Representative, to facilitate dialogue on any issues relevant to the parties;

(f) To continue the currently ongoing human rights activities and assistance to law enforcement agencies on both sides of the ceasefire line.

69. In order for the Mission to successfully implement the foregoing proposed mandate, the parties would need to provide full freedom of movement as well as all necessary security guarantees.

70. It is my hope that these observations will facilitate the Security Council's deliberations in the interest of ensuring stability and security in the region with a view to defining an effective and viable future United Nations mandate.

71. In conclusion, I would like to thank my Special Representative and all the men and women of the Mission for their dedication and professionalism in carrying out their tasks under often difficult circumstances.

Annex

A. Countries providing military observers (as at 31 January 2009)

Country	*Number of military observers*
Albania	3
Austria	2
Bangladesh	10[a]
Croatia	3
Czech Republic	5
Denmark	5
Egypt	4
France	2
Germany	11[b]
Ghana	1
Greece	4
Hungary	6
Indonesia	4
Jordan	7
Lithuania	2
Mongolia	1
Nigeria	1
Pakistan	8
Poland	5
Republic of Korea	7
Republic of Moldova	1
Romania	2
Russian Federation	6
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	5
United States of America	2
Uruguay	4
Yemen	3
Total	**131**

B. Countries providing civilian police personnel (as at 31 January 2009)

Country	*Number of civilian police personnel*
Czech Republic	2
Germany	4
Ghana	1
Israel	1
Philippines	3
Poland	2
Russian Federation	2
Sweden	2
Switzerland	2
Ukraine	1[c]
Total	**20**

[a] Includes the Chief Military Observer.
[b] Includes eight medical personnel.
[c] Senior Police Adviser.

United Nations S/2009/69/Corr.1

Security Council

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Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008)

Corrigendum

Paragraph 3

The third sentence *should read*:

> The Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS), which had been in place in the conflict zone for the past 14 years, was officially terminated by the decision adopted at the meeting of the Council of the Heads of State of CIS, held in Bishkek on 10 October. The decision entered into force on the same day.

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United Nations S/2009/70

Security Council

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Letter dated 26 January 2009 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to refer to the summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

In accordance with the procedure established in the notes by the President of the Security Council dated 19 July 2006 (S/2006/507), 19 December 2007 (S/2007/749) and 31 December 2008 (S/2008/847), I should like to notify you that the Government of the Republic of Cuba requests that the following four items brought to the Council's attention by the Republic of Cuba remain on the list of matters of which the Security Council is seized:

- Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378);
- Letter dated 31 December 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4605);
- Complaint from Cuba (S/10993);
- Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abelardo **Moreno Fernández**
Ambassador
Permanent Representative

09-23062 (E) 060209 090209